



Cleveland Board of Zoning Appeals

Monday July 24, 2023 at 9:30 AM

****PLEASE MUTE YOUR MICROPHONE****

Kelley Britt, Board Chair

Elizabeth Kukla, Secretary

Cleveland Board of Zoning Appeals

July 24, 2023

Preamble

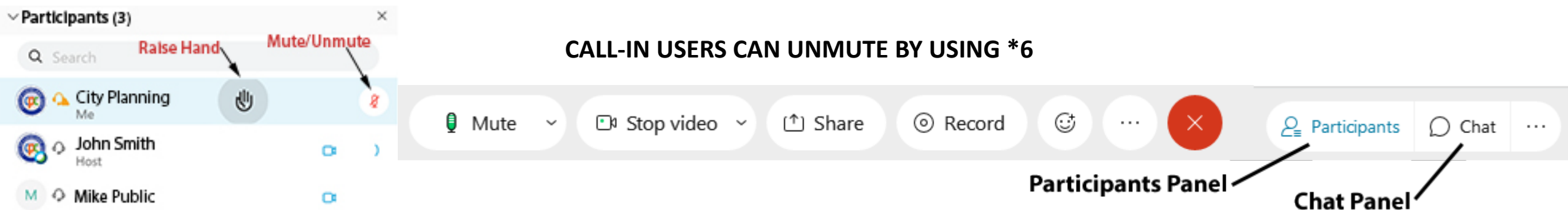
IN COMPLIANCE WITH NOTIFICATION REQUIREMENTS OF THE CITY'S OPEN MEETING LAW, AND SECTION 101.021 OF THE CODIFIED ORDINANCES OF CLEVELAND, OHIO, 1976, NOTICE OF THIS MEETING HAS BEEN PUBLICLY POSTED.

ALL BOARDS AND COMMISSIONS UNDER THE PURVIEW OF THE CITY PLANNING DEPARTMENT CONDUCTS ITS MEETINGS ACCORDING TO ROBERT'S RULES OF ORDER. ACTIONS DURING THE MEETING WILL BE TAKEN BY VOICE VOTE. ABSTENTIONS FROM ANY VOTE DUE TO A CONFLICT OF INTEREST SHOULD BE STATED FOR THE RECORD PRIOR TO THE TAKING OF ANY VOTE.

IN ORDER TO ENSURE THAT EVERYONE PARTICIPATING IN THE MEETING HAVE THE OPPORTUNITY TO BE HEARD, WE ASK THAT YOU USE THE RAISE HAND FEATURE BEFORE ASKING A QUESTION OR MAKING A COMMENT. THE RAISE HAND FEATURE CAN BE FOUND IN THE PARTICIPANTS PANEL ON THE DESKTOP AND MOBILE VERSION AND ACTIVATED BY CLICKING THE HAND ICON. PLEASE WAIT FOR THE CHAIR OR FACILITATOR TO RECOGNIZE YOU AND BE SURE TO SELECT UNMUTE AND ANNOUNCE YOURSELF BEFORE YOU SPEAK.

WHEN FINISHED SPEAKING, PLEASE LOWER YOUR HAND BY CLICKING ON THE RAISE HAND ICON AGAIN AND MUTE YOUR MICROPHONE.

WE WILL ALSO BE UTILIZING THE CHAT FEATURE TO COMMUNICATE WITH PARTICIPANTS. THE CHAT FEATURE CAN BE ACTIVATED BY CLICKING THE CHAT BUTTON LOCATED ON THE BOTTOM OF THE WEBEX SCREEN.



Cleveland Board of Zoning Appeals

July 24, 2023

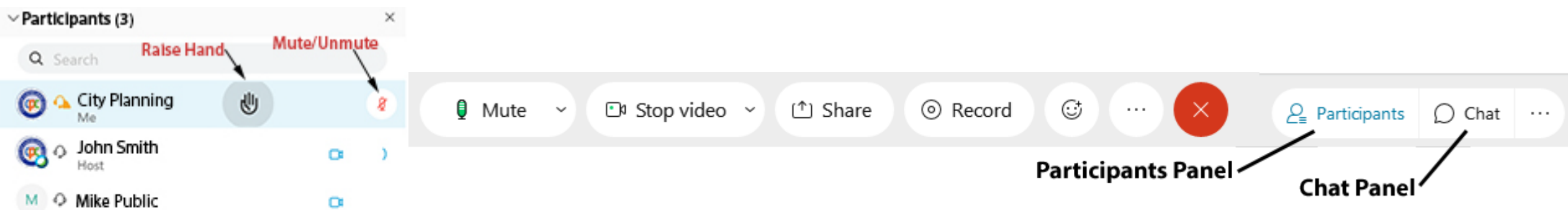
Preamble

**ALL MEETING ACTIVITY IS BEING RECORDED VIA THE WEBEX PLATFORM.
THESE PROCEEDINGS ARE ALSO BEING LIVE STREAMED VIA YOUTUBE FOR PUBLIC
VIEW.**

**WE HAVE PROVIDED A LINK TO THE MEETING FOR THOSE WHO WISH TO SPEAK ON A
PARTICULAR CASE VIA OUR WEBSITE AND EMAIL.**

ALL REQUESTS TO SPEAK ON A PARTICULAR MATTER HAVE BEEN CONSIDERED.

**WE HAVE ALSO RECEIVED EMAILS FROM THOSE WHO HAVE PROVIDED WRITTEN
COMMENT ON A PARTICULAR MATTER.**



Cleveland Board of Zoning Appeals

Call to Order & Roll Call



Cleveland Board of Zoning Appeals

Postponements/Withdrawals





Postponement

Calendar No. 23-120:

1407 West 117 St.

Ward 15

1407 West 117 St. LLC, proposes to erect a new urgent care medical center in a C3 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.23(g)(1) which states no main building on a lot abutting a Pedestrian Retail Street Frontage shall be set back more than five (5) feet from the Pedestrian Retail Street Frontage: 20+ feet is proposed from the Detroit Avenue PRO frontage.

Postponement

Jones, Brittany

From: Kukla, Elizabeth
Sent: Friday, July 21, 2023 11:01 AM
To: Bay, Xavier
Cc: Jones, Brittany
Subject: Fw: Urgent Care W. 117 Street - postponement request
Attachments: BZA-036981.pdf

Councilwoman Spencer is requesting a postponement; please see below. Xavier, could you put this on the Power Point please?



CITY OF CLEVELAND
Mayor Justin M. Ribb

Elizabeth Kukla
Secretary of the Board of Zoning Appeals
Phone 216-664-2581
Web clevelandohio.gov
Cleveland City Planning Commission

From: Jenny Spencer <jspencer@clevelandcitycouncil.org>
Sent: Thursday, July 20, 2023 4:03 PM
To: Kukla, Elizabeth <Ekukla@clevelandohio.gov>
Cc: Chelsey Kovar <CKovar@nwneighborhoods.org>; Davenport, Adam <adavenport@clevelandohio.gov>
Subject: Re: Urgent Care W. 117 Street

Hi Secretary Kukla,

Thank you for the fast response. Yes, I will reach out to the applicant; thanks so much for providing their contact information.

My reason for requesting a postponement is that an important neighborhood stakeholder and business owner adjacent to this parcel, Brothers Lounge, had a shared parking agreement with the prior property/business owner (Pizza Hut). I would like to work with Northwest Neighborhoods to facilitate a meeting in which a shared parking arrangement can be explored between Brothers Lounge and the new owner.

That said, I will be working on this as quickly as possible, as I hope that the postponement can be as brief as possible, to not unduly inconvenience the applicant.

Thank you,

Jenny Spencer
Ward 15 Councilmember
jspencer@clevelandcitycouncil.org
(216) 664-4235

From: Kukla, Elizabeth <Ekukla@clevelandohio.gov>
Sent: Thursday, July 20, 2023 3:38:28 PM

To: Jenny Spencer
Subject: Urgent Care W. 117 Street

Hello Councilwoman Spencer, of course the Board will honor your request for postponement. Please get it to us in writing as soon as you can. Also, could you include the applicant in the email or could you contact them to let them know that you are requesting a postponement? Please see application attached with their contact information.

Thank you! I am out for the rest of the day today.



Elizabeth Kukla
Secretary of the Board of Zoning Appeals
Phone 216-664-2581
Web clevelandohio.gov
Cleveland City Planning Commission

Cleveland Board of Zoning Appeals

Public Hearing



Public Hearing



Calendar No. 23-113:

1364 West 73rd St.

Ward 15

Scott Royer, proposes to change of use from a single-family residence to two-family residence in a B1 Two-Family Residential. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that required parking spaces shall be located on the rear half of lot or, in this case, at 42 feet back.
2. Section 355.04(b) which states that the minimum required lot size is 6,000 square feet and the appellant is providing 3,352 square feet. This code section also states that a minimum lot width of 50 feet is required where the appellant is proposing 40 feet. The maximum gross floor area cannot exceed 50% of the lot size, or in this case 1,676 square feet, and the appellant is proposing 2,056 square feet.
3. Section 349.04 which states that two parking spaces are required and no parking is provided.
4. Section 349.05 which states that no parking spaces shall be located within 10 feet of any wall with ground floor windows that provides light and ventilation.



Public Hearing

Calendar No. 23-113:

1364 West 73rd St.

Ward 15



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





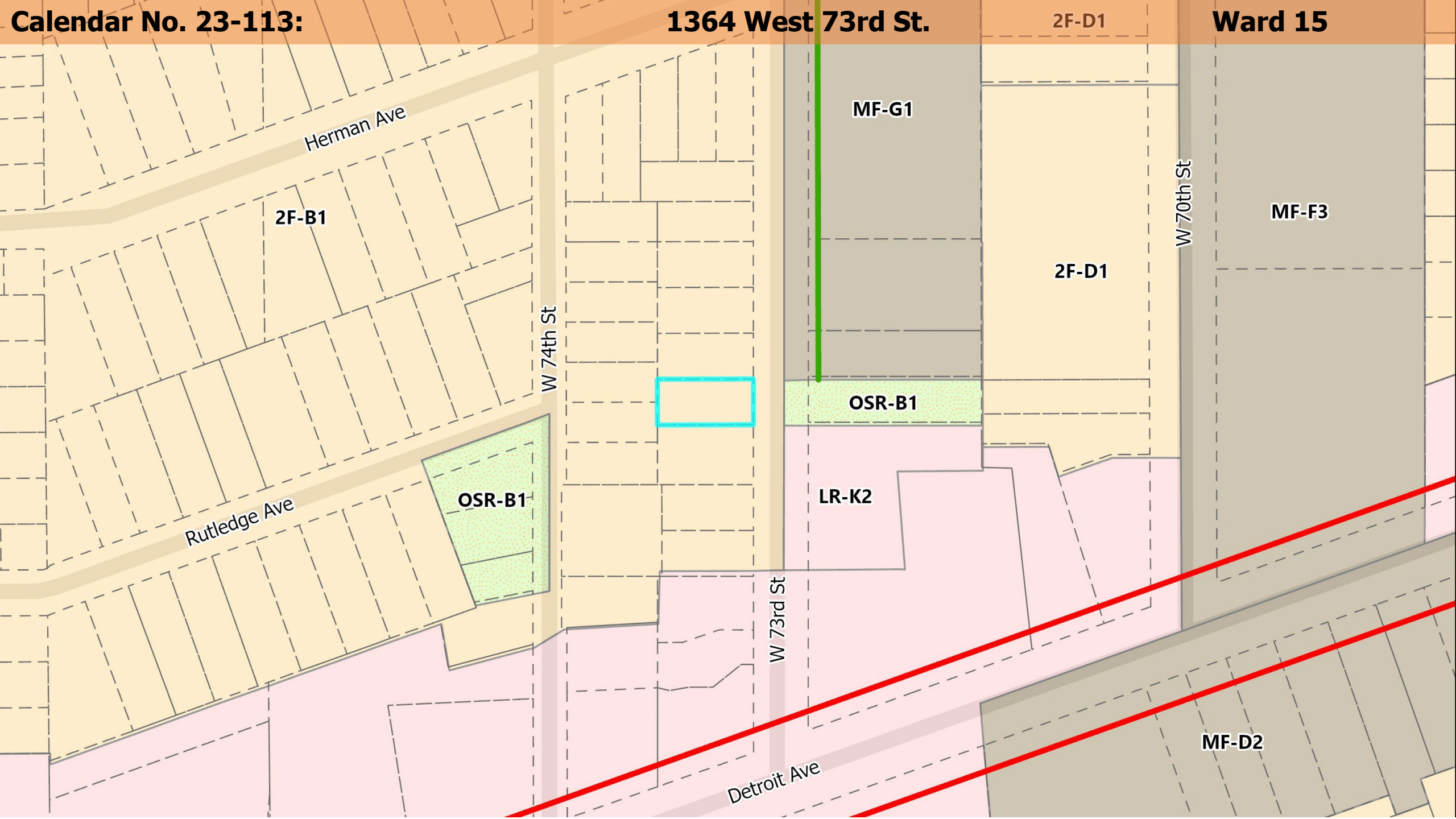
LEGAL STANDARD

Calendar No. 23-113: 1364 West 73rd St.

Madam Chair, Members of the Board, Appellant is requesting area variances from the parking, minimum lot size, minimum lot width, and maximum gross floor area requirements of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.

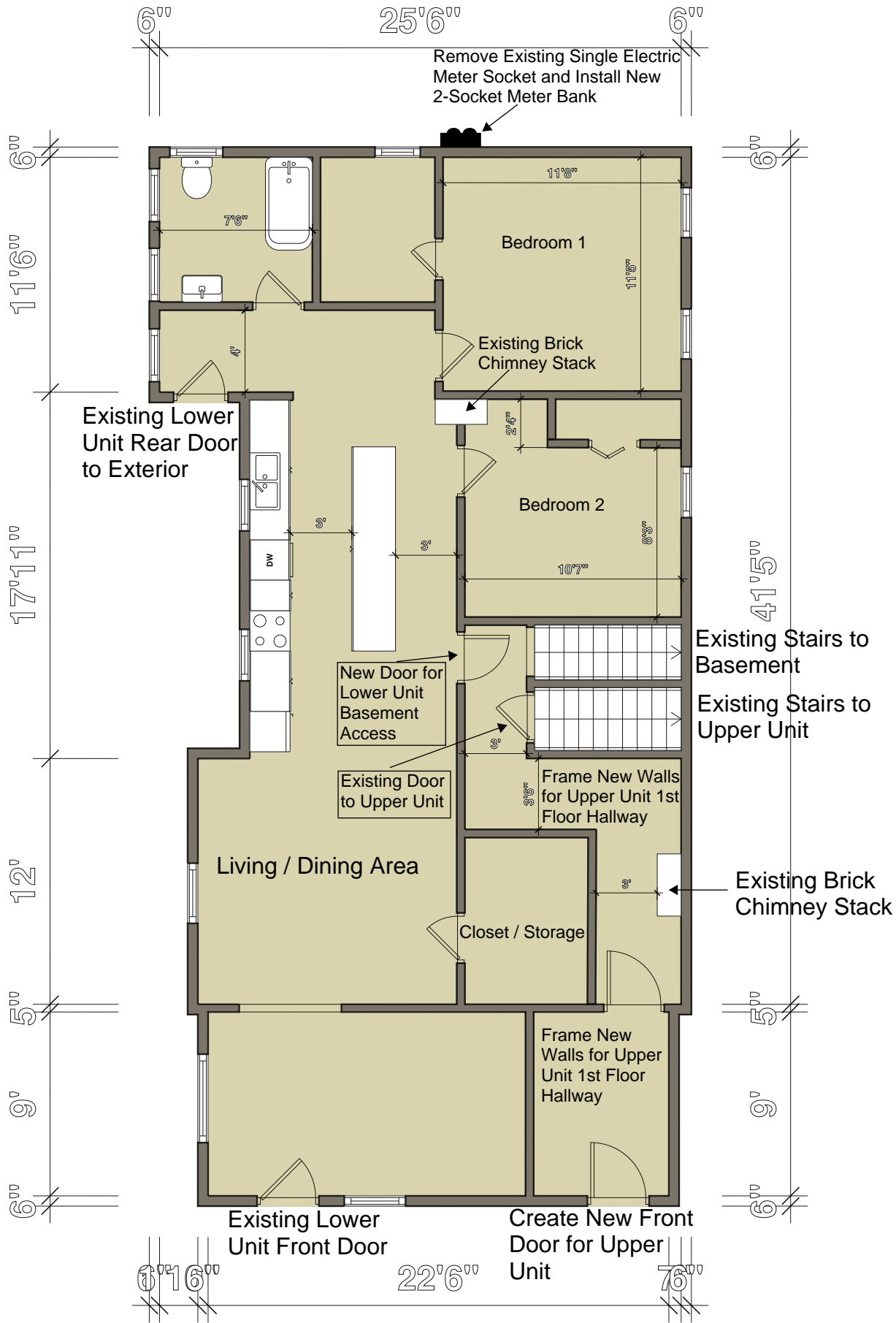






1364 West 73rd Street

Lower Unit (2 BR, 1 BA)



Coordinate
Second Gas
Meter with Utility
Company

1364 West 73rd Street
Upper Unit (1 BR, 1 BA)



Public Hearing

Calendar No. 23-114:

12301 Sprecher Ave.

Ward 1

Kamis Properties LLC., owner, proposes to erect a free-standing sign in a B2 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 350.15(b) which states maximum permitted height for a sign is 25 feet and the proposed height is 60 feet. This section also states that the maximum permitted area of a sign is 50 square feet and the proposed area is 150 square feet.



Public Hearing

Calendar No. 23-114:

12301 Sprecher Ave.

Ward 1



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





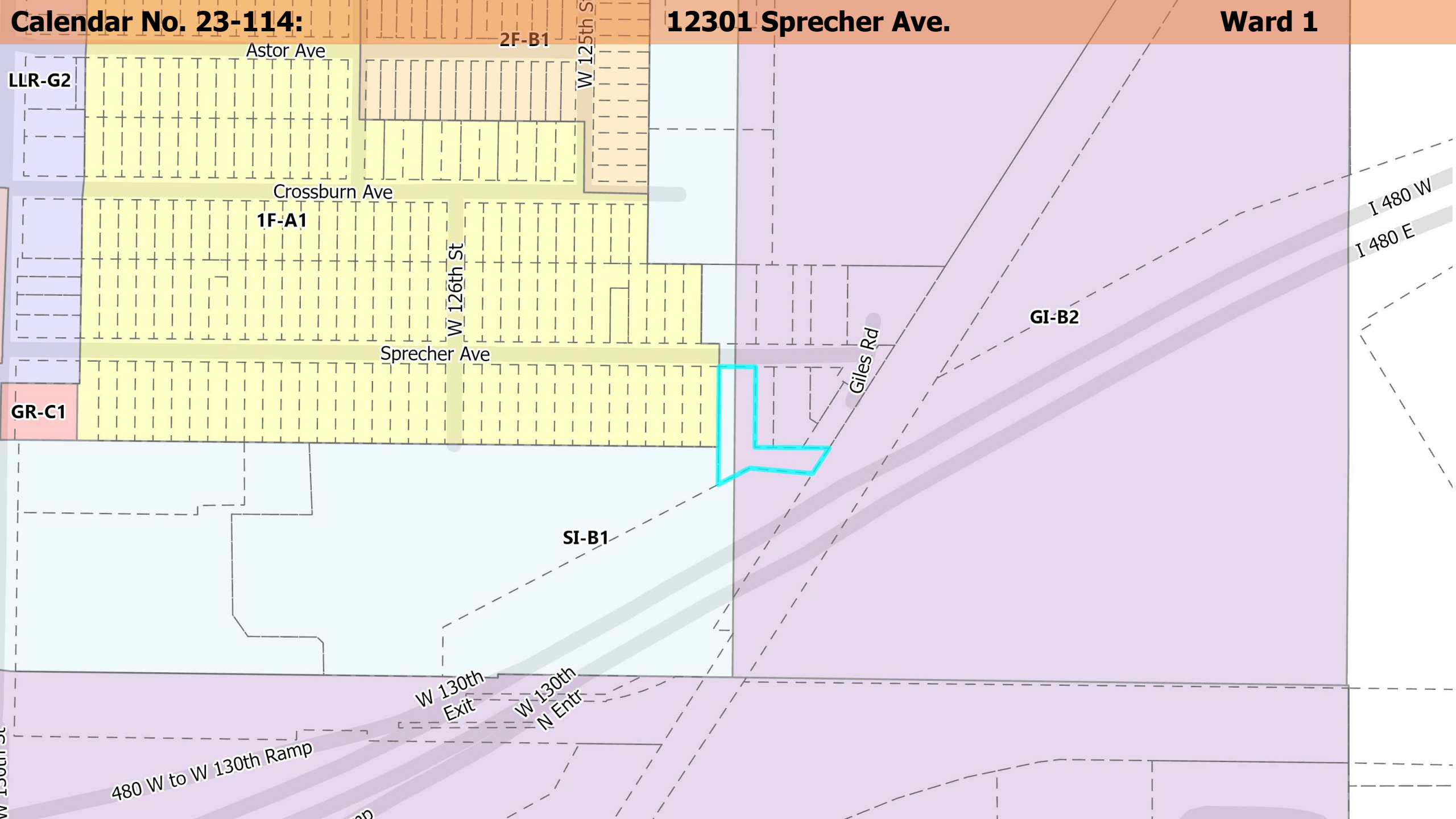
LEGAL STANDARD

Calendar No. 23-114: 12301 Sprecher Ave.

Madam Chair, Members of the Board, Appellant is requesting area variances from the sign requirements of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.



Outerbelt South Fwy (I 480)







NOTE: due to printer limitations, colors shown may not exactly match specified. Refer to material charts for true colors.



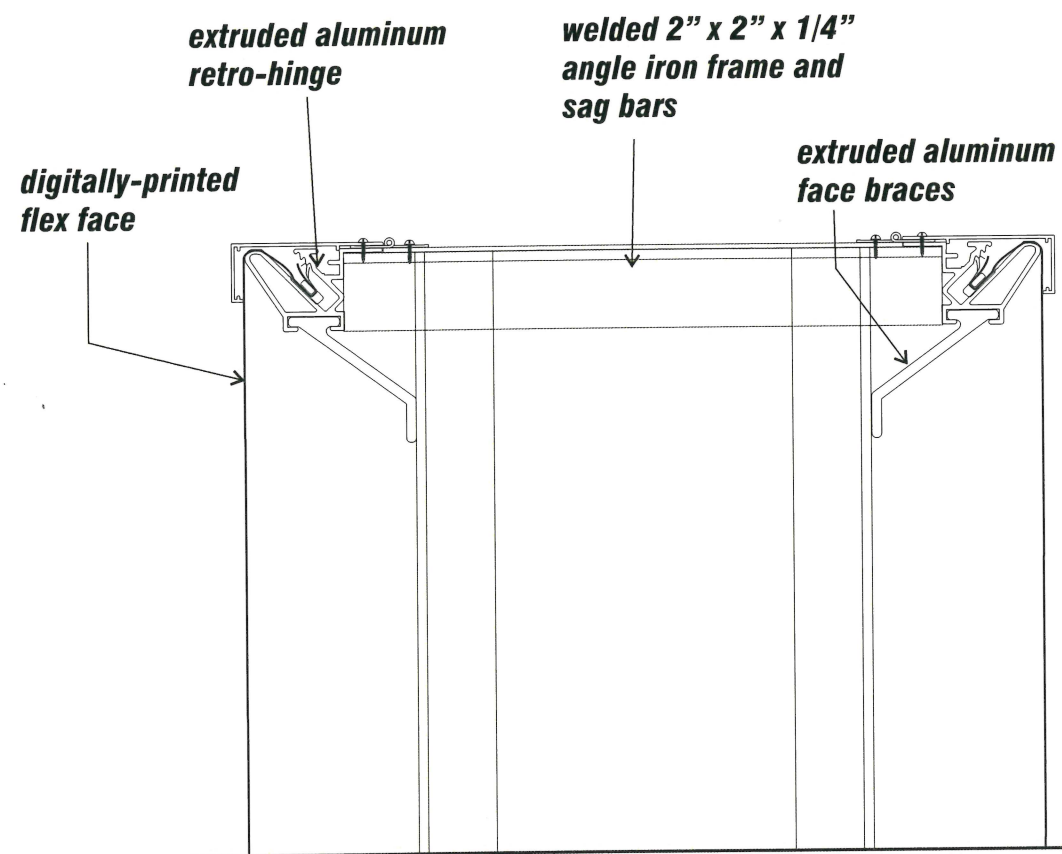
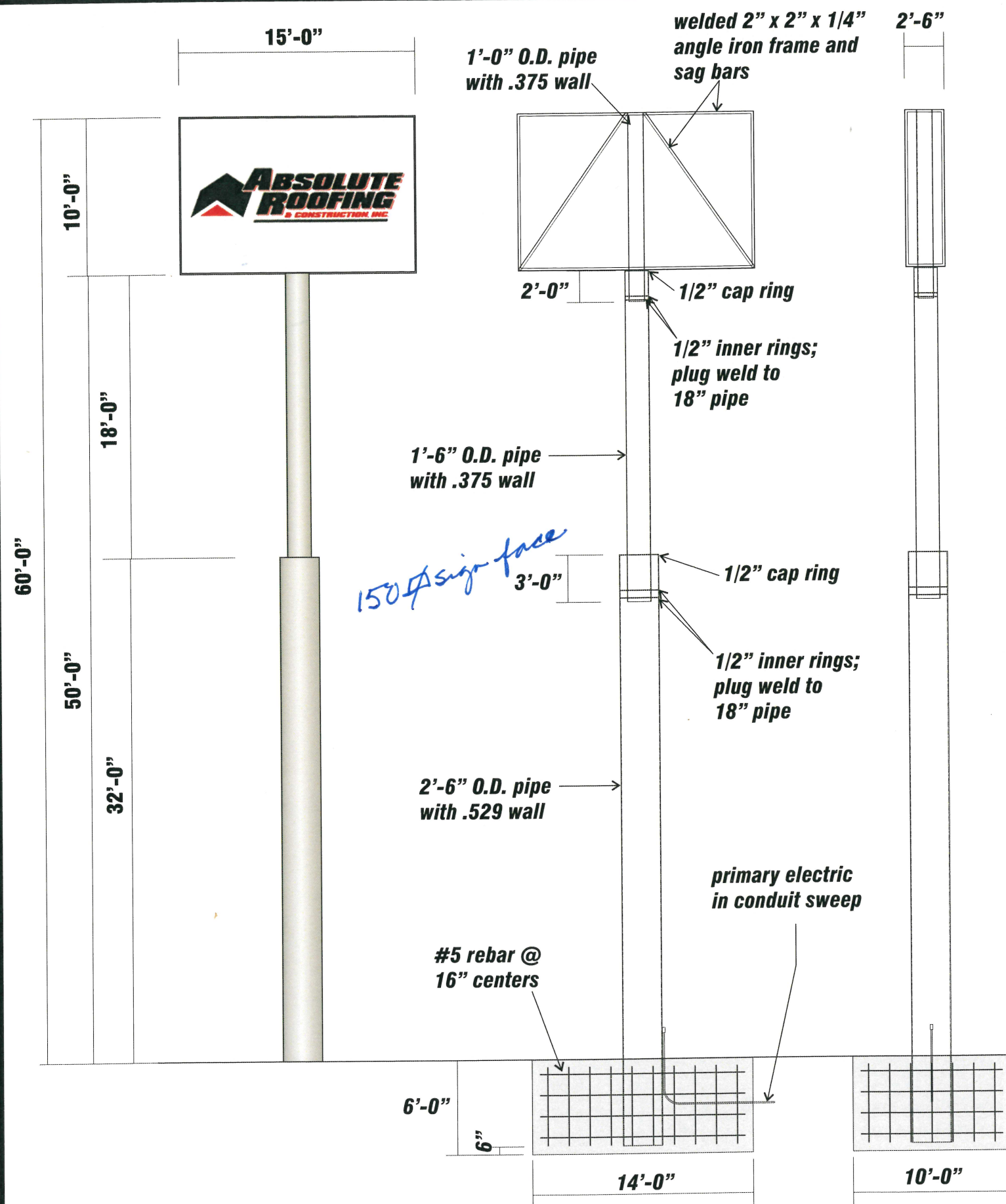
Brilliant Electric Sign Co., Ltd.

4811 VAN EPPS RD., CLEVELAND, OHIO 44131 (216)741-3800

NOTE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING, CREATED BY BRILLIANT SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE. IN CONJUNCTION WITH A PROJECT BEING PLANNED, FOR YOU. IT IS NOT TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

COMPANY NAME	ABSOLUTE ROOFING	SALESMAN	JRM	DATE	5/9/23	REVISION	DESIGN NO.
LOCATION	12301 SPRECHER AVE., CLEVELAND, OH 44135	DESIGNER	CP	SCALE	SHOWN		B23-671
							COPYRIGHT © 2023
							FILE NAME charlotte/ absolute roofing (cleve) 3

B23-617



SIGN 1

Notes

Manufacture & install one (1) double face, internally illuminated, aluminum, cabinet with flex faces; whole cabinet to be mounted on staged post
- Graphics to be first surface, digital print; background to be white; the top portion of the logo & the copy reading "ABSOLUTE ROOFING," & the rule line underneath to be black; bottom portion of the logo, the drop shadow of the copy "ABSOLUTE ROOFING," & the copy underneath to be red; cabinet & trim to be painted white
- Stage post color to be determined

RATED 120 VOLTS

NOTE: due to printer limitations, colors shown may not exactly match specified. Refer to material charts for true colors.



Brilliant Electric Sign Co., Ltd.

4811 VAN EPPS RD., CLEVELAND, OHIO 44131 (216)741-3800

COMPANY NAME	ABSOLUTE ROOFING		SALESMAN	JRM	DATE	3/1/23	REVISION	3/16/23cp	DESIGN NO.	B23-352
LOCATION	12301 SPRECHER AVE., CLEVELAND, OH 44135		DESIGNER	CP	SCALE	SHOWN		4/18/23cp	COPYRIGHT ©	2023
						FILE NAME			charlotte/ absolute roofing (cleve) 1	

Public Hearing



Calendar No. 23-116:

288 Overlook Park Dr.

Ward 8

Nancy Prudic, owner, proposes to erect an awning over existing concrete front patio in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 357.13(b)(1) which states that a front patio awning shall not project more than 6 feet into the front yard and the appellant is proposing 11 feet and 8 inches.



Public Hearing

Calendar No. 23-116:

288 Overlook Park Dr.

Ward 8



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

Calendar No. 23-116: 288 Overlook Park Dr.

Madam Chair, Members of the Board, Appellant is requesting an area variance from the awning requirements of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.



CITY OF CLEVELAND
Office of the Council

Support

www.clevelandcitycouncil.org

Michael D. Polensek COUNCIL MEMBER, WARD 8

COMMITTEES: Safety - Chair • Finance, Diversity, Equity & Inclusion • Utilities • Rules

July 7, 2023

Ms. Elizabeth Kukla
Secretary, Board of Zoning Appeals
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Ms. Kukla and Board of Zoning Appeals:

As Councilman representing Cleveland's 8th Ward, I am writing this letter to the Board of Zoning Appeals pertaining to Calendar No. 23-116, for Monday, July 24, 2023 for the property located at **288 OVERLOOK PARK DRIVE** and **Appellant, Ms. Nancy Prudic**, who is appealing for relief from the strict application of Codified Ordinance Section 357.13(b)(1), which sets the limits for the placement of a front porch awning.

In this case, as long as the awning size, features and color fits the architecture and nature of the property and the rest of the street, I have no problems with the installation of a front patio awning that stretches out further from Ms. Prudic's home than the codified ordinances allow. The location of this home, near the lake, dictates the use and need for such an awning.

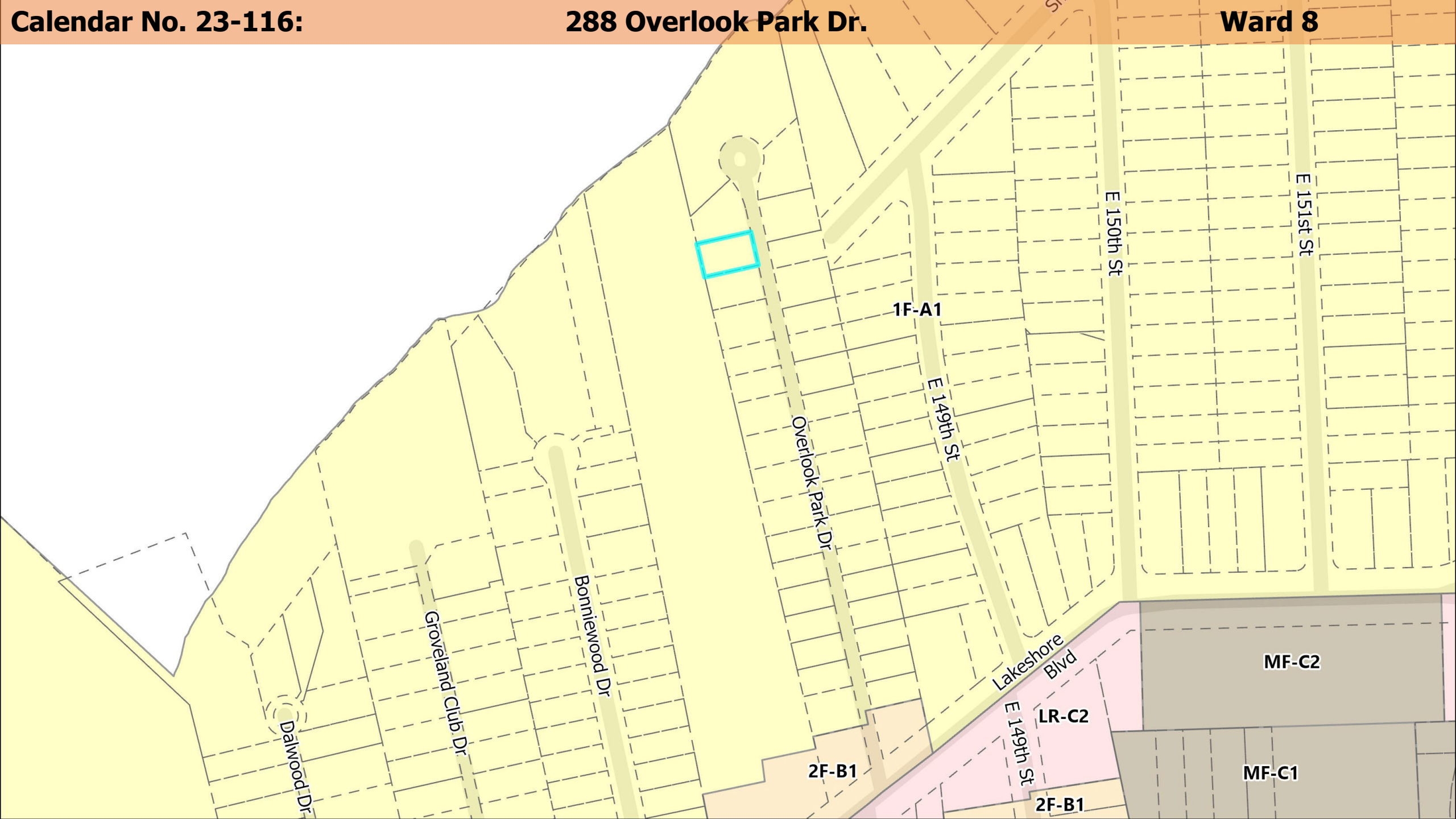
If you have any questions or comments, please feel free to contact me. I may be reached at the office at (216) 664-4236 or via email at mpolensek@clevelandcitycouncil.org.

Sincerely,

Michael D. Polensek

Michael D. Polensek
Councilman, Ward 8

CC: Ms. Elizabeth Kukla, Secretary, Board of Zoning Appeals
Ms. Sally Martin O'Toole, Director, Dept. Building & Housing







288 Overlook Park Drive

ISSUE	DATE	DESCRIPTION
1	06.20.23	BZA Presentation

PROJECT DESCRIPTION:

A. ARCHITECTURAL:	CONSTRUCTION OF NEW WOOD FRAMED ROOF ABOVE EXISTING PATIO
WALL SYSTEM:	NA
FOUNDATION SYSTEM:	SONOTUBE CONCRETE FOOTERS
FLOOR SYSTEM:	NA
ROOF SYSTEM:	ASPHALT SHINGLES ON ICE AND WATER SHIELD ACROSS ENTIRE ROOF
B. STRUCTURAL:	2 DOUGLAS FIR WOOD JOISTS (2X6 MIN), LVL BEAM, AND 6X6 POSTS
C. MECHANICAL:	N/A
D. PLUMBING:	N/A
E. ELECTRICAL:	N/A

SITE INFORMATION:

PROPERTY LOCATION:	288 OVERLOOK PARK DRIVE, CLEVELAND, OHIO 44110
ZONING DISTRICT:	RESIDENTIAL
SURROUNDING LAND USES:	RESIDENTIAL
PARCEL SIZE:	APPROXIMATELY 4,050 SF (0.09 ACRES)
FRONT LOT LINE:	OVERLOOK PARK DRIVE
BUILDING COVERAGE:	24%
GARAGE COVERAGE:	9%

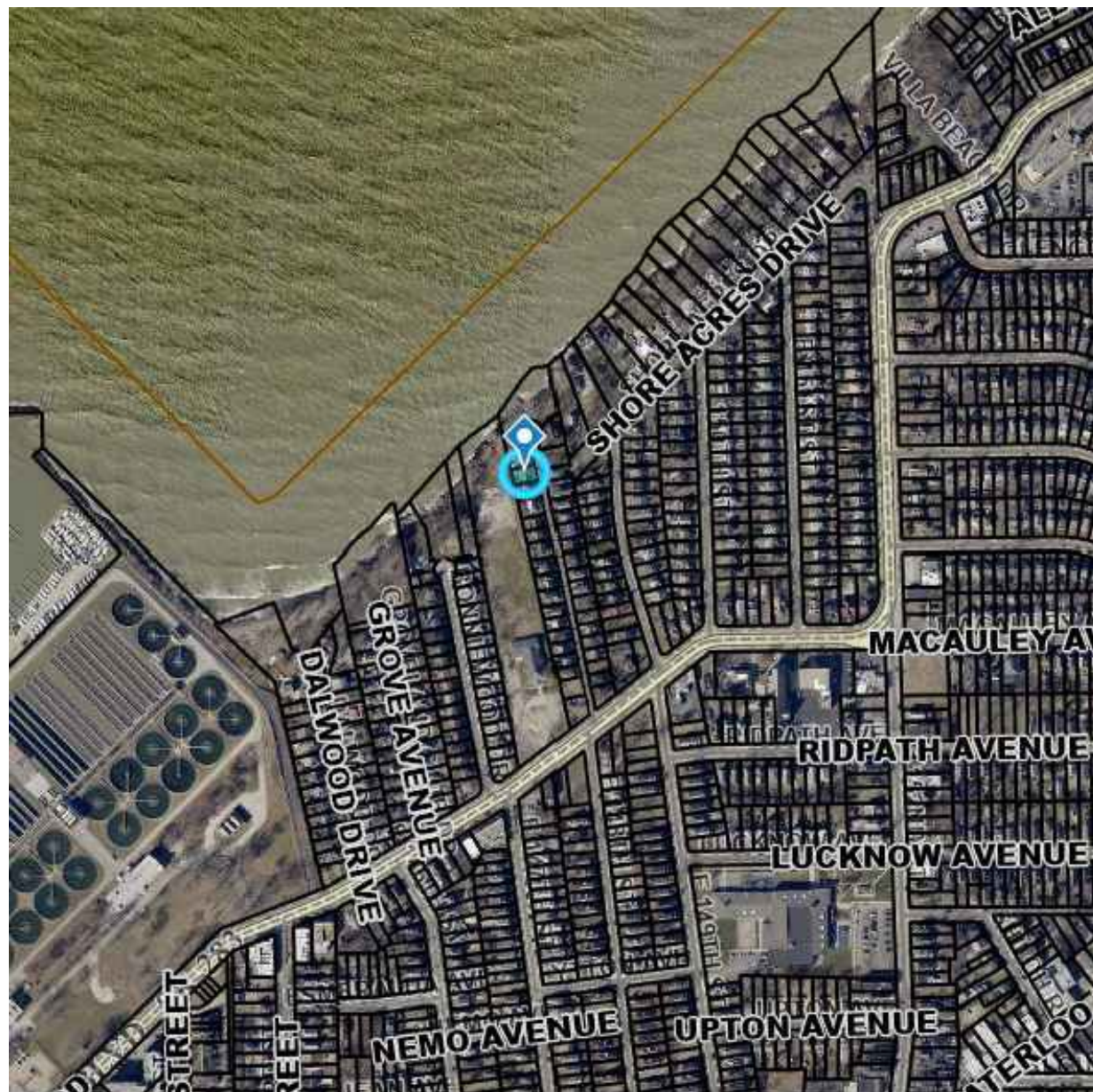
BUILDING INFORMATION:

A. LAND USE:	RESIDENTIAL - 1-FAMILY PLATTED LOT
B. CONSTRUCTION CLASS:	VS, UNPROTECTED, NONCOMBUSTIBLE / COMBUSTIBLE
C. PROJECT AREA:	PORCH FOOTPRINT: 112 GSF

DESIGN DATA	
ROOF LIVE LOAD:	20 PSF
GROUND SNOW LOAD (Pg):	20 PSF
SNOW EXPOSURE FACTOR (Ce):	1.0
THERMAL FACTOR (Ci):	1.0
SNOW IMPORTANCE FACTOR (I _s):	1.0
BASIC WIND SPEED (3 SEC. GUST):	115 MPH
WIND IMPORTANCE FACTOR (I _w):	1.0
WIND EXPOSURE CATEGORY	B

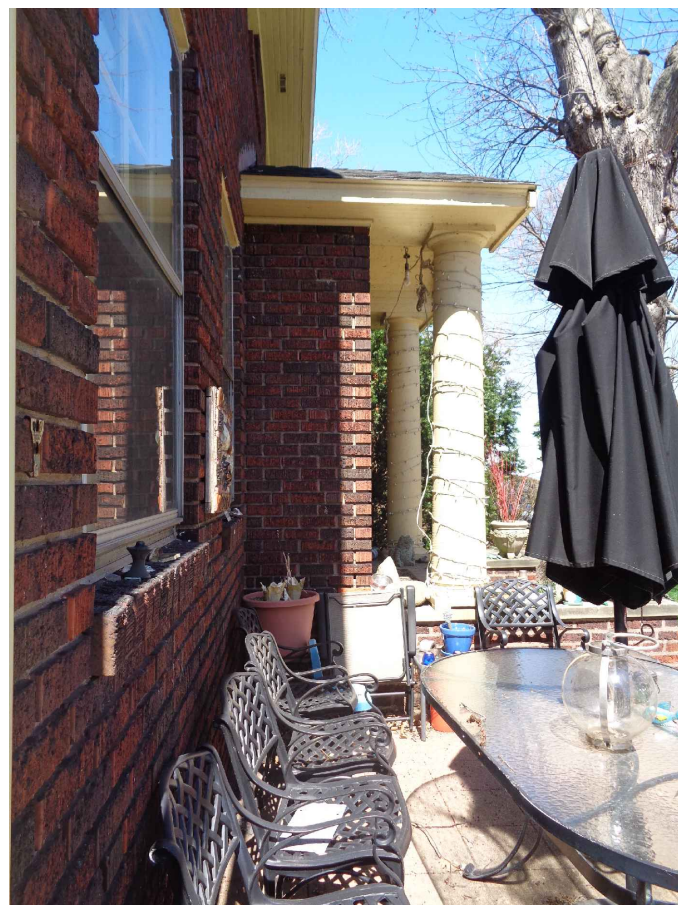
GENERAL CONSTRUCTION NOTES

- ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH REQUIREMENTS OF THESE DOCUMENTS AND THE REQUIREMENTS OF THE OWNER.
- ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH ANY AND ALL FIRE AND SAFETY CODES, OR CODES OF FEDERAL, STATE, COUNTY OR MUNICIPALITY HAVING JURISDICTION OVER SUCH WORK. ALL APPLICABLE REQUIREMENTS IN THESE REGULATIONS SHALL BE FOLLOWED THE SAME AS IF NOTED IN THESE CONTRACT DOCUMENTS. CONFLICTS BETWEEN WORK SET FORTH IN THESE DOCUMENTS AND BUILDING CODES, LAWS OR REGULATIONS NOTED BY THE CONTRACTOR SHALL BE BROUGHT TO THE ATTENTION OF THE CLIENT AND ARCHITECT PRIOR TO PROCEEDING WITH ANY WORK.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED BY FEDERAL, STATE, COUNTY, MUNICIPAL LAW AND SHALL INCLUDE IN THE CONTRACT THE COST OF SUCH FEES.
- THE GENERAL CONTRACTOR IS TO ARRANGE FOR ALL HOISTING FACILITIES FOR MATERIALS AND EQUIPMENT. THE CONTRACT SHALL INCLUDE ALL COSTS FOR DELIVERY AND/OR HANDLING OF MATERIALS.
- ALL ARRANGEMENTS FOR CONSTRUCTION PERSONNEL ENTERING THE BUILDING DURING WORKING HOURS, MATERIAL, DELIVERY, DEBRIS REMOVAL, MATERIAL RETURNED TO BUILDING, IS TO BE MADE WITH THE OWNER.
- EACH CONTRACTOR AND VENDOR SHALL CHECK BUILDING OPENINGS, AND CLEARANCES FOR DELIVERY OF EQUIPMENT AND /OR MATERIALS (SIZES OF ELEVATORS, DOORS, CORRIDORS, ETC.)
- THE GENERAL CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT JOB SITE AND NOTIFY ARCHITECT OF ANY DISCREPANCIES BETWEEN DRAWINGS AND FIELD CONDITIONS BEFORE COMMENCING WITH ANY WORK.
- DO NOT SCALE DRAWINGS- USE DIMENSIONS SHOWN.
- THE GENERAL CONTRACTOR IS TO ERECT ALL NECESSARY TEMPORARY, SOLID, AND/OR PLASTIC DROP CLOTH PARTITIONS TO PROTECT OCCUPIED AREAS INCLUDING THE PROTECTION OF FLOORING MATERIALS WHILE CONSTRUCTION AND DEMOLITION ARE IN PROGRESS.
- THE GENERAL CONTRACTOR IS TO REMOVE ALL DEBRIS AND LEAVE ALL AREAS BROOM CLEAN AT THE END OF EACH WORK DAY, AND TO BE CAREFUL TO PROTECT AND NOT DAMAGE ANY PORTION OF EXISTING INSTALLATION NOT BEING REMOVED.
- GENERAL CONTRACTOR IS TO PERFORM ALL WORK FOR THE CONTRACT SUM WITHOUT ADJUSTMENT IN THE EVENT OF LABOR DISPUTES AND/OR WORK STOPPAGES.
- INSPECTIONS: OWNER TO CONTRACT WITH A QUALIFIED TESTING LABORATORY FOR TESTING OF CONCRETE, REBAR, SOIL BEARING, SOIL COMPACTION, MASONRY, GROUT, ETC. AS REQUIRED BY LOCAL CODES.



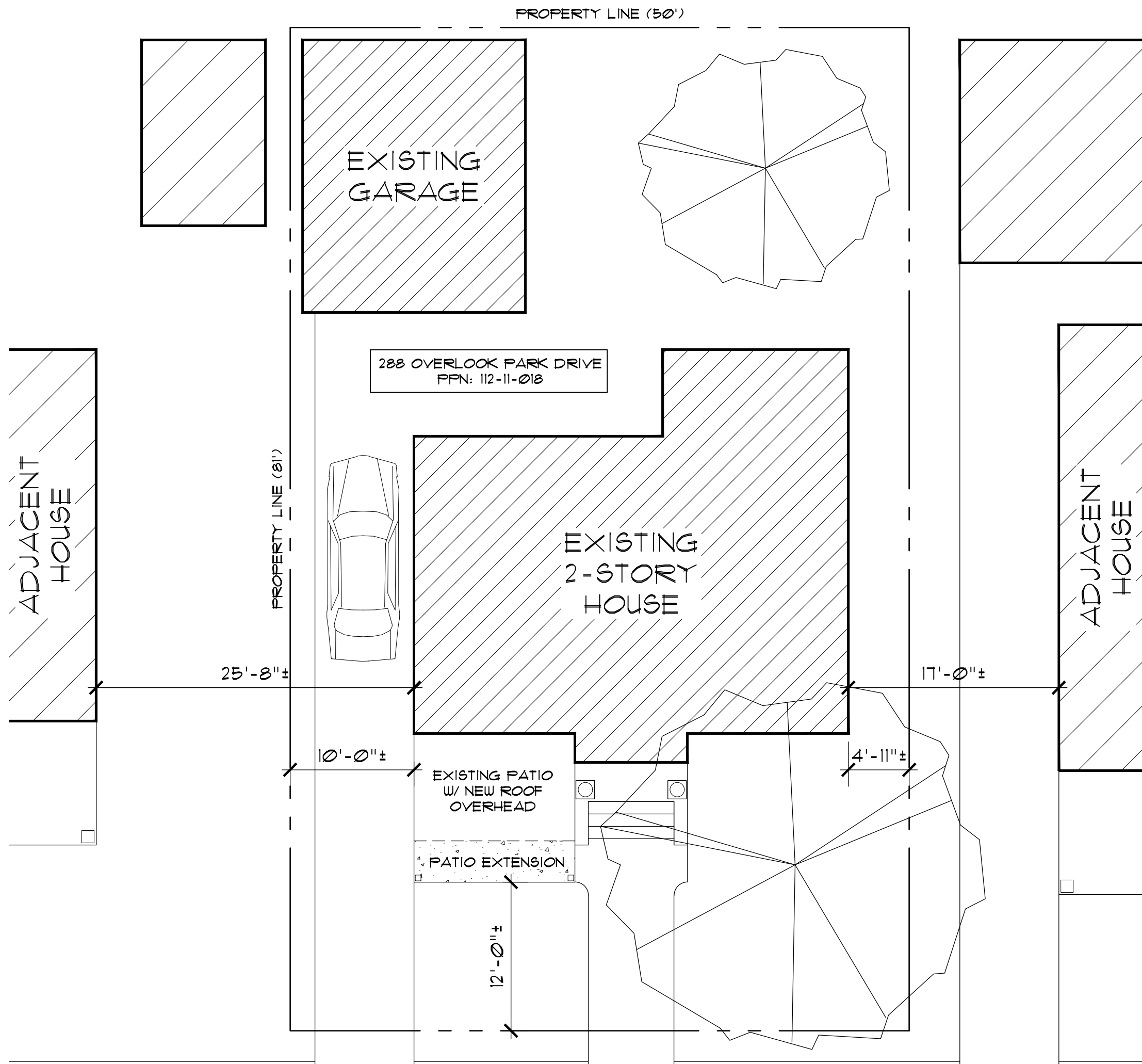
SITE LOCATION MAP

N.T.S.



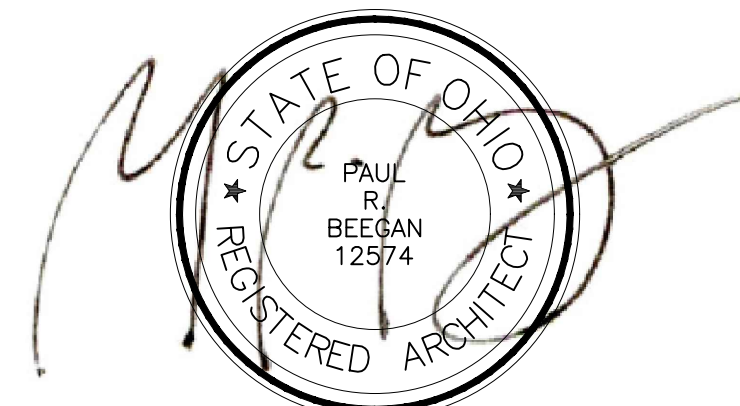
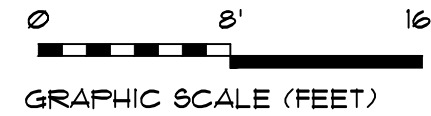
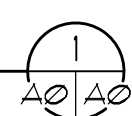
EXISTING CONDITIONS

N.T.S.



ARCHITECTURAL SITE PLAN

1/16" = 1'-0"



PAUL R. BEGAN, LICENSE #12574
EXPIRATION DATE: 12.31.2023

BEEGAN
ARCHITECTURAL DESIGN

15703 MADISON AVENUE
LAKEWOOD, OHIO 44107
WWW.BEEGAN-AD.COM

216.521.9000 PHONE
216.916.4591 FAX
PAUL@BEEGAN-AD.COM

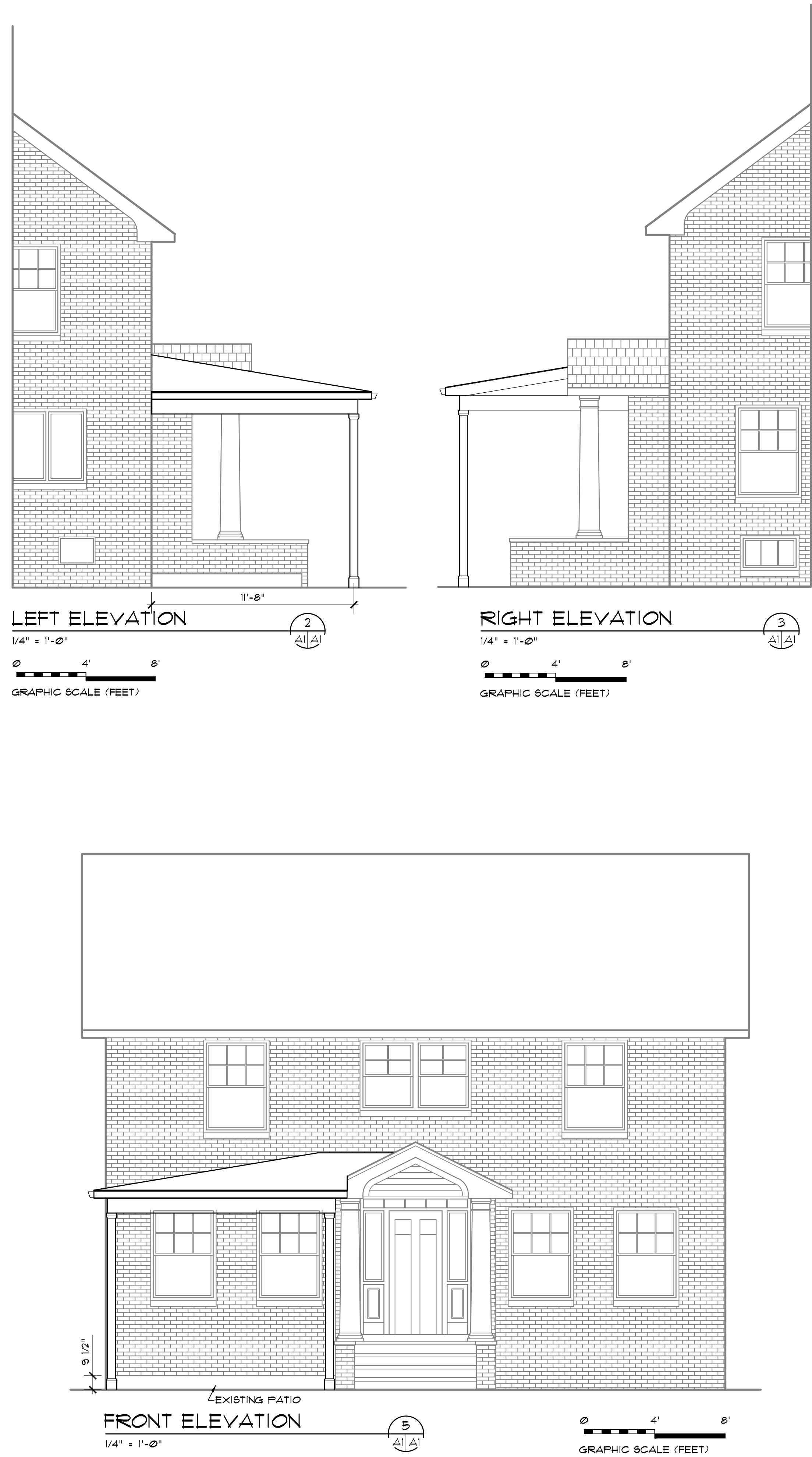
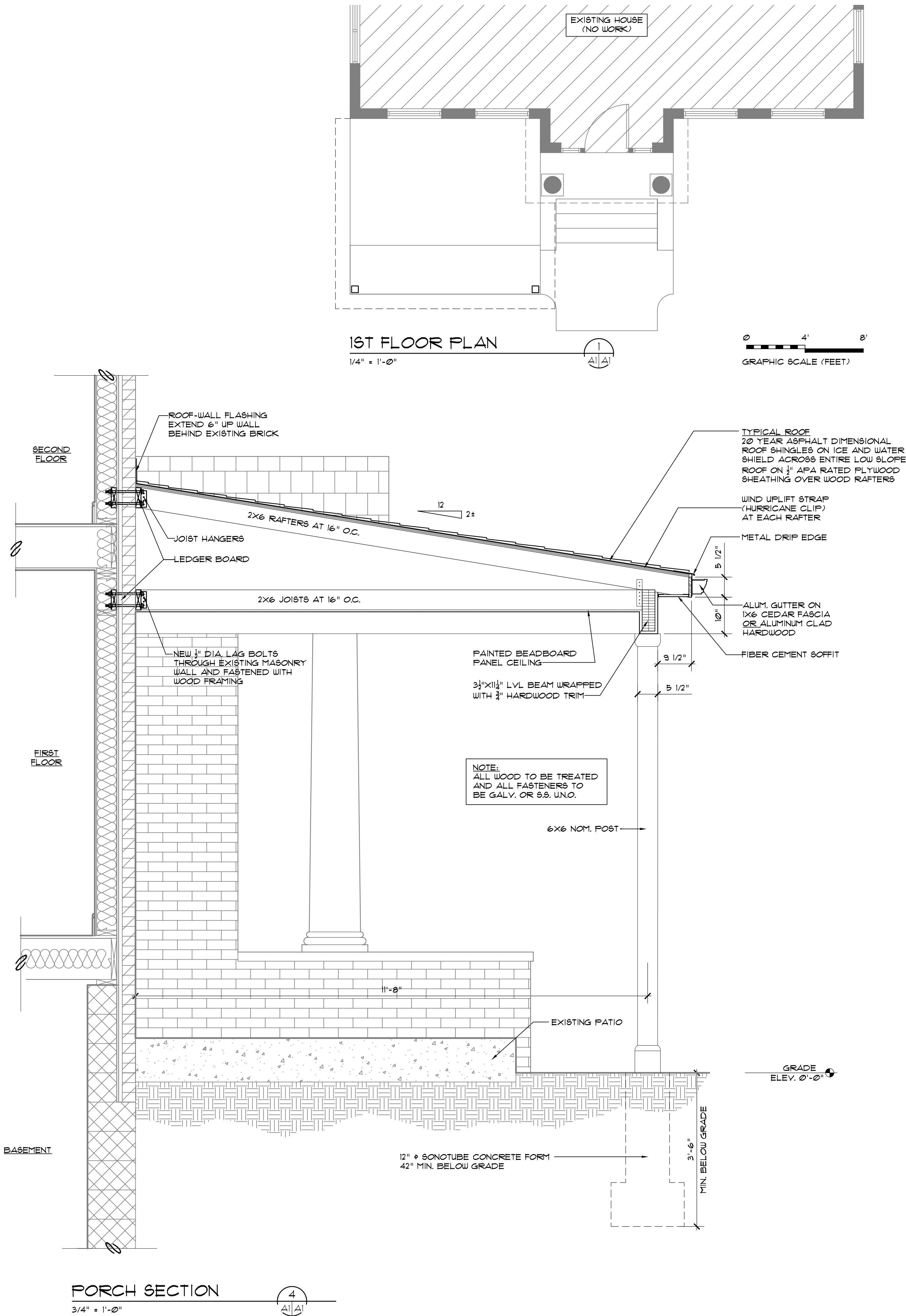
project no. 23-024

Overlook Park Drive
Residential Renovations

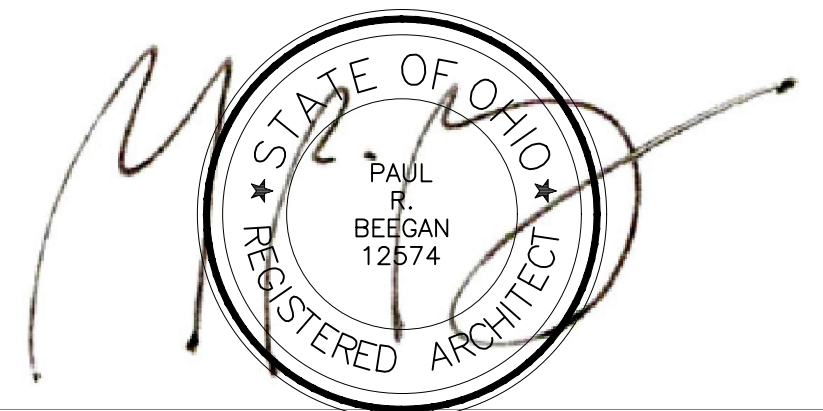
288 overlook park drive
cleveland, ohio 44110

General Notes and
Architectural Site Plan

A0



ISSUE	DATE	DESCRIPTION
1	06.27.23	BZA Presentation



PAUL R. BEEGAN, LICENSE #12574
EXPIRATION DATE: 12.31.2023

BEEGAN

ARCHITECTURAL DESIGN

15703 MADISON AVENUE
LAKEWOOD, OHIO 44107
WWW.BEEGAN-AD.COM

216.521.9000 PHONE
216.916.4591 FAX
PAUL@BEEGAN-AD.COM

project no. 23-024

Overlook Park Drive Residential Renovations

288 overlook park drive
cleveland, ohio 44110

Floor Plan, Exterior Elevations & Details

A1

Public Hearing



Calendar No. 23-118:

820 College Ave.

Ward 3

Sally Banks LLC., owner, proposes to erect a 1,100 square foot building addition to existing non-conforming bar/restaurant in a C1 General Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 359.01(a) which states that expansion of existing, non-conforming use requires approval of the Board of Zoning Appeals. Previous zoning variance granted in Calendar No. 10-227 due to lack of accessory off street parking facilities. Proposed addition will consist of 400 square feet of new space requiring 4 additional parking spaces, and 700 square feet of former outdoor patio resulting in year round use of space.



Public Hearing

Calendar No. 23-118:

820 College Ave.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

Calendar No. 23-118: 820 College Ave.

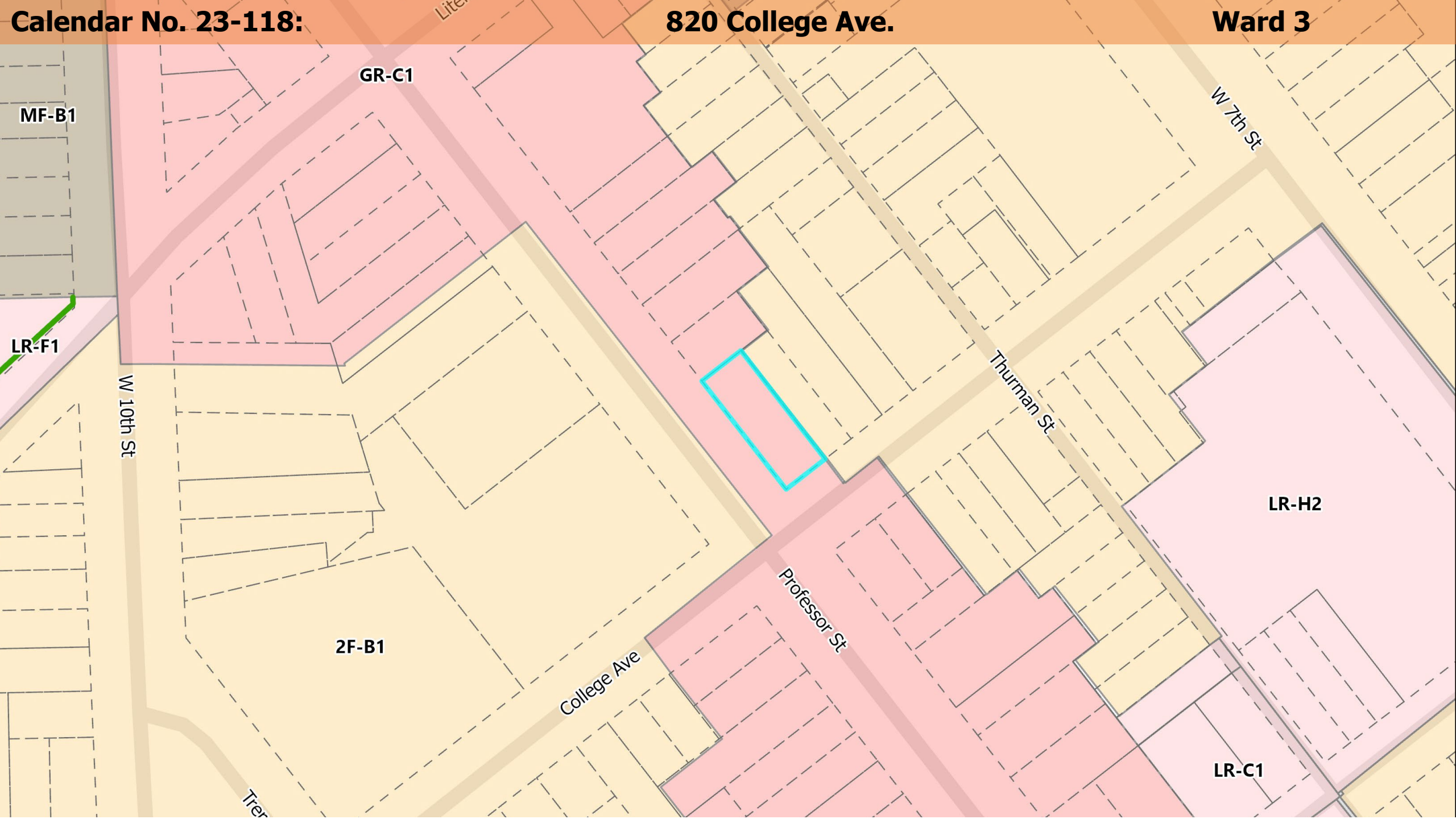
Madam Chair, Members of the Board, Appellant is requesting a use variance and an area variance from the parking requirements of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.



Calendar No. 23-118:

820 College Ave.

Ward 3

GR-C1

W 7th St

MF-B1

LR-F1

W 10th St

Thurman St

LR-H2

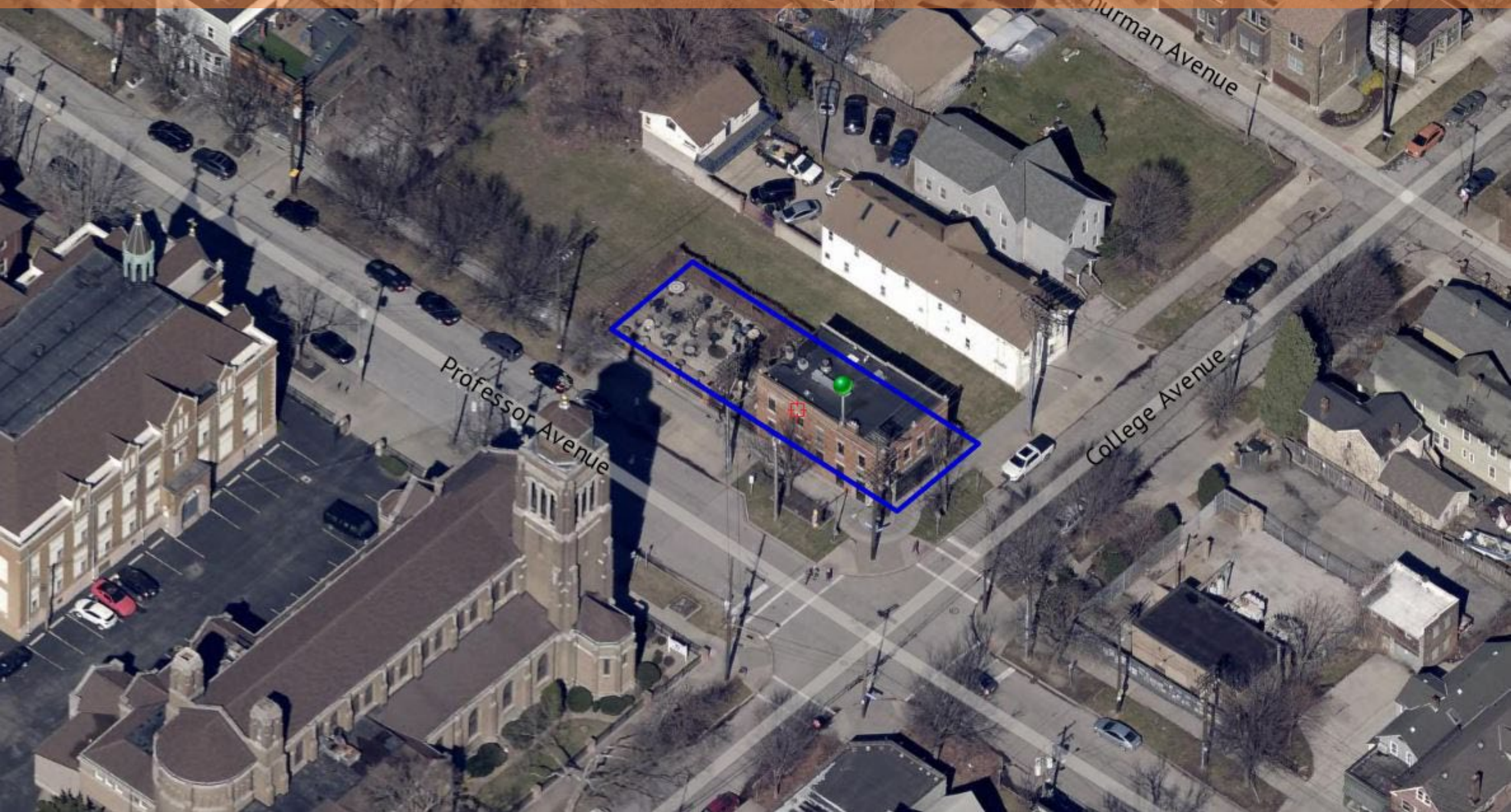
2F-B1

Professor St

College Ave

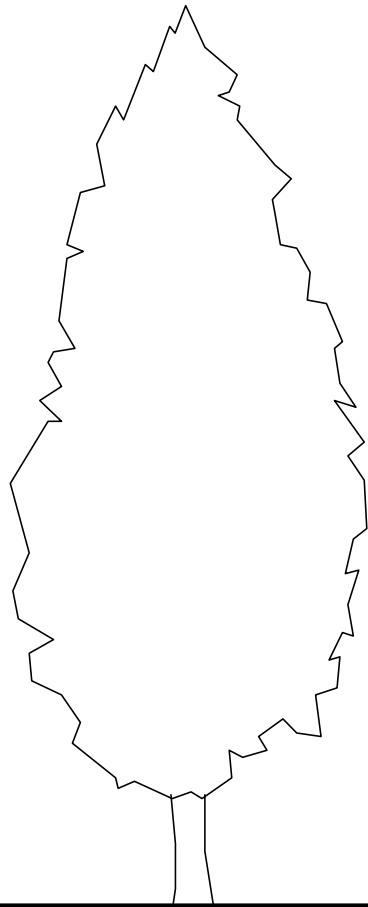
LR-C1

Trevelyan St









CORTEN STEEL
DELIVERY DOOR
WITH Treehouse
Bar LOGO CUT-OUT.
Example at right >





LEFT SIDE ELEVATION

[SOUTHWEST]

Scale 1/8" = 1'-0"



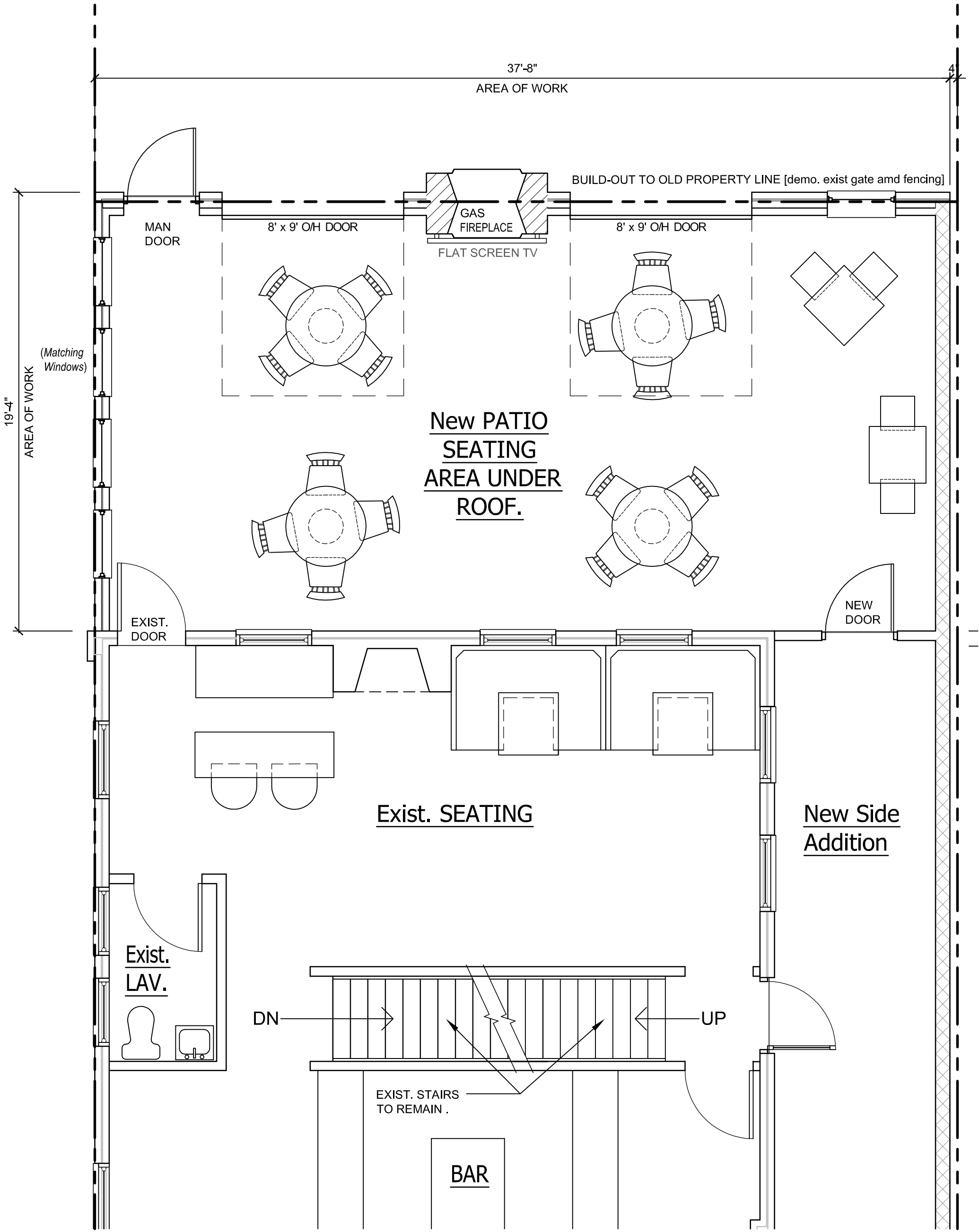
REAR ELEVATION

[NORTHWEST]

Scale 1/8" = 1'-0"



RIGHT SIDE ELEVATION
[NORTHEAST] Scale 1/8" = 1'-0"



PARTIAL FIRST FLOOR PLAN [SCHEME 1c]

Scale 1/4" = 1'-0"

PROGRESS SET
Not For Construction

Public Hearing



Calendar No. 23-120:

1407 West 117 St.

Ward 15

1407 West 117 St. LLC, proposes to erect a new urgent care medical center in a C3 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

- 1. Section 343.23(g)(1) which states no main building on a lot abutting a Pedestrian Retail Street Frontage shall be set back more than five (5) feet from the Pedestrian Retail Street Frontage: 20+ feet is proposed from the Detroit Avenue PRO frontage.



EAST ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
SCALE: 1/8"=1'-0"



Public Hearing

Calendar No. 23-120:

1407 West 117 St.

Ward 15



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





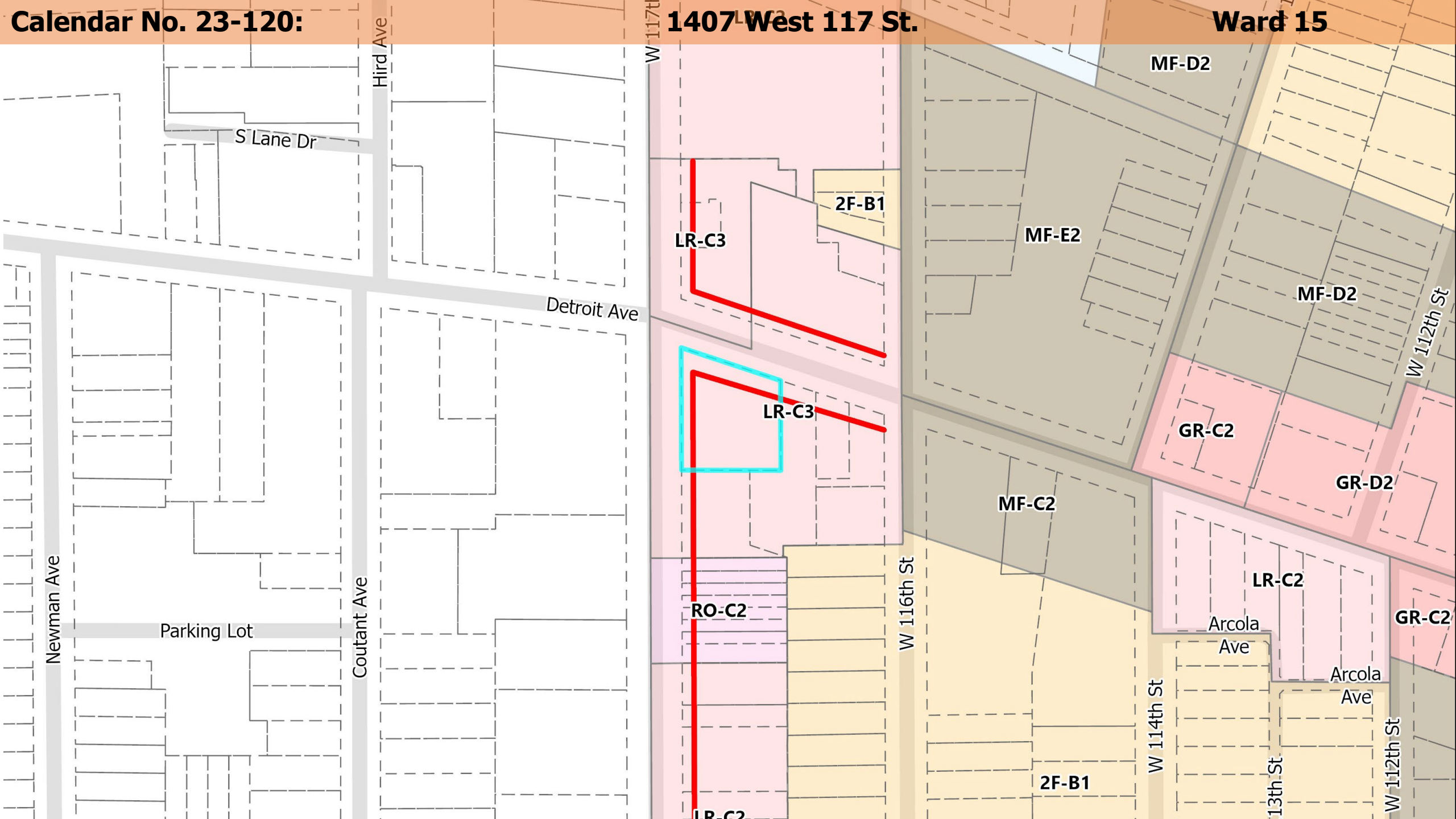
LEGAL STANDARD

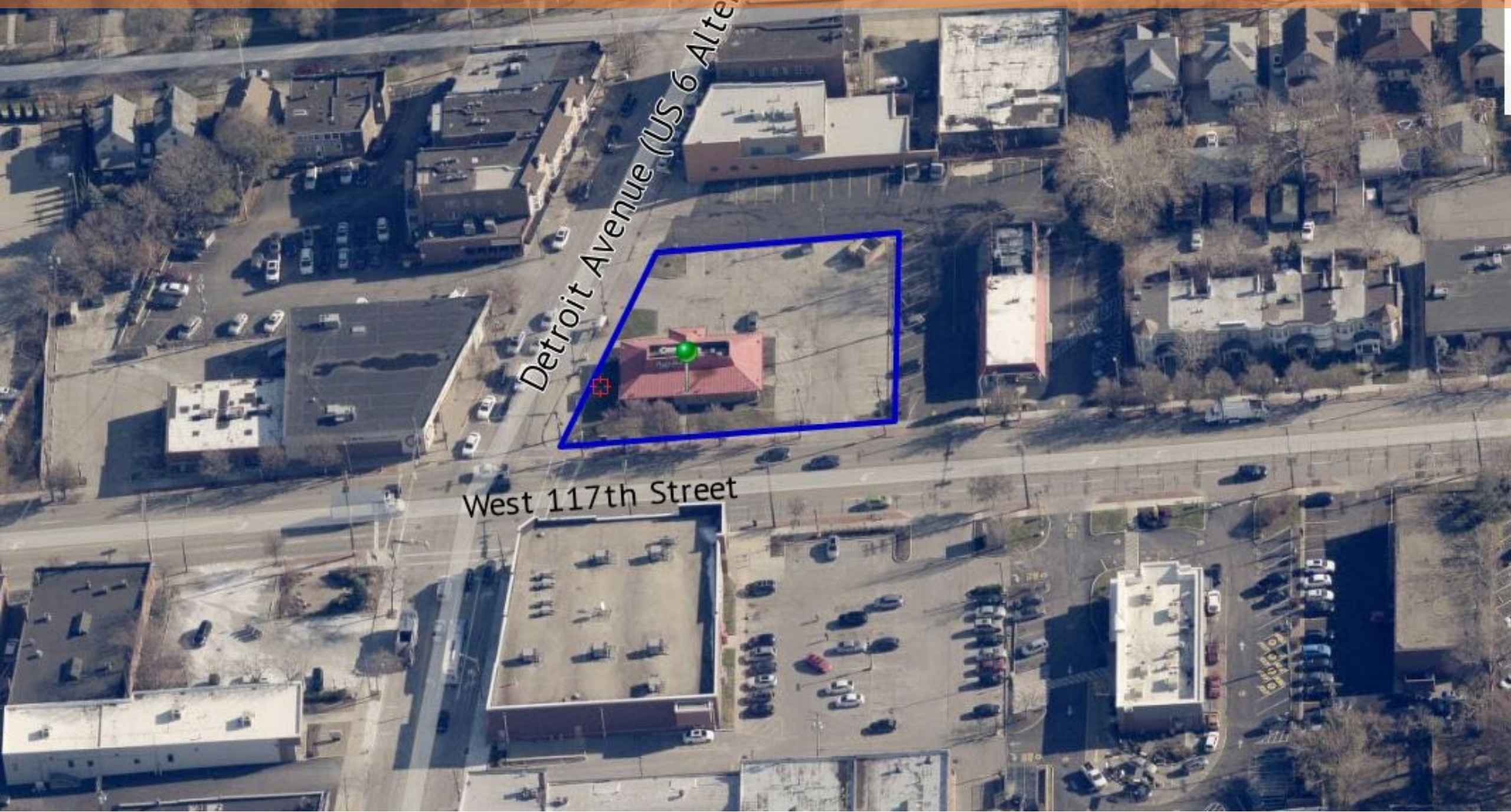
Calendar No. 23-120: 1407 West 117th St.

Madam Chair, Members of the Board, Appellant is requesting an area variance from the main building setback requirements of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.







PROPOSED URGENT CARE

CITY OF CLEVELAND
BZA Variance Request
JULY 24, 2023

TABLE OF CONTENTS

CS	COVER SHEET
1	DISTRICT MAP
2	ZONING MAP
3	LOCATION MAP
4	EXISTING SITE MAP
5	EXISTING CONDITIONS PHOTOS
6	EXISTING CONDITIONS PHOTOS
7	PROPOSED SITE PLAN
8	PROPOSED LANDSCAPE PLAN
9	COLORED ELEVATIONS / MATERIALS
10	PROPOSED PLANT LIST

SITE INFORMATION

Parcel #: 00124063
Address: 1407 W 117 ST, CLEVELAND, OH, 44102
Legal Front: 50'
Lot Size: 21050 (SqFt.), 0.483 Acres
Topography: LEVEL
Legal Description: 9 MARSHALL S/L 2 NP & 3 NWP 0001 NP
Zoning: Local Retail Business with PRO Street Frontage
Use: Urgent Care Center
Area: 4,000 S.F.
Height: Single story, 24'-4"
Parking Provided: 25 Existing Spaces to Remain
Conditional Use:

1. No building entry along 117th
2. Curb cuts on both 117th and Detroit
3. Parking within 40' of the Pedestrian Retail Overlay
4. Allowance for Institutional Use in a Pedestrian Retail Overlay

Variance:

1. Building setback greater than 5' along Detroit

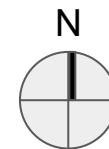
CS

REGION:
FAR WEST REGION

DESIGN REVIEW DISTRICT:
WEST 117TH ST.

SITE →

SCALE: N.T.S.

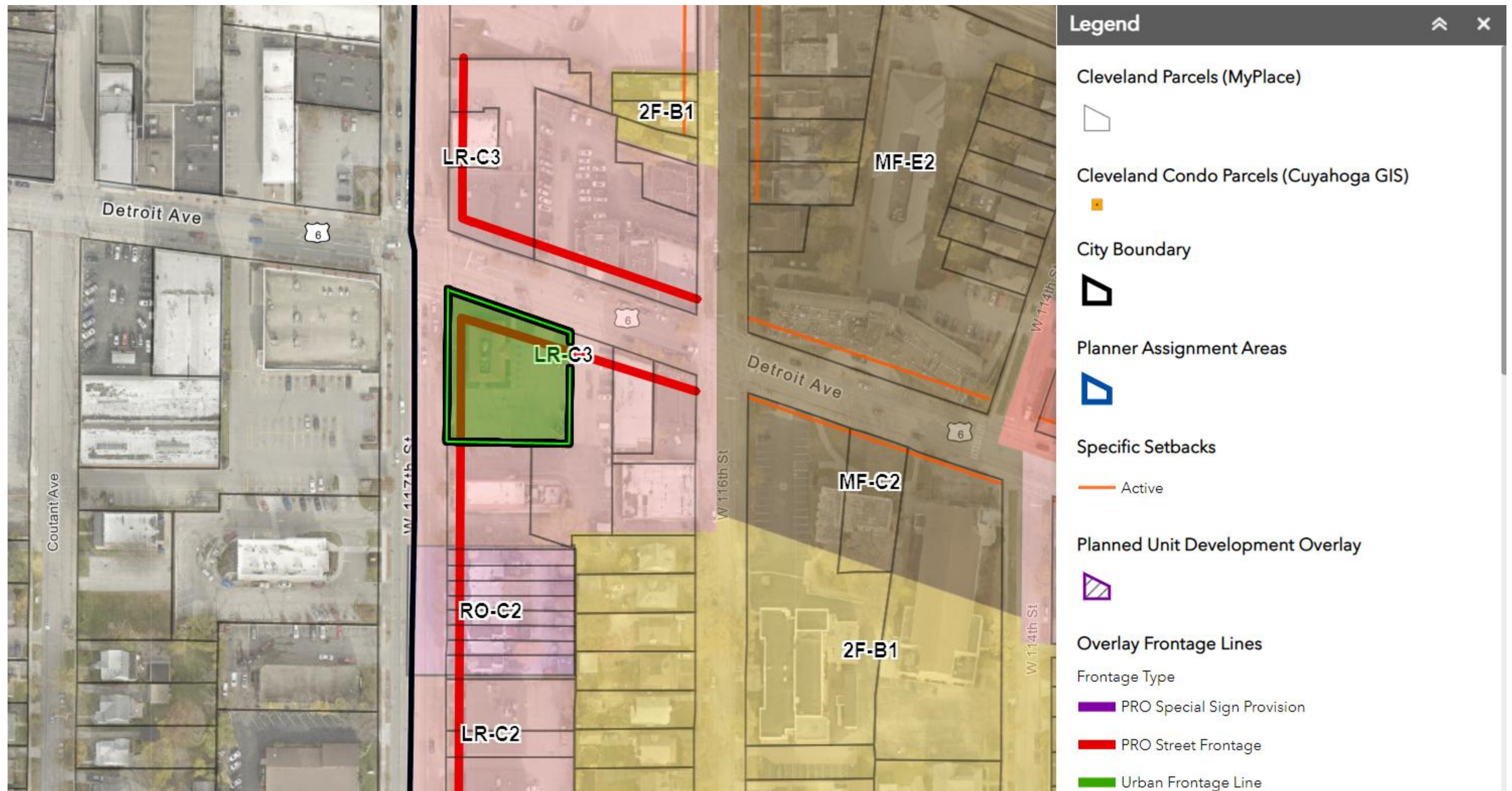


1

**CONCEPTUAL/SCHEMATIC DESIGN
PROPOSED URGENT CARE CENTER**

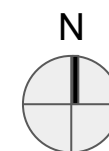
RARE DESIGN
STUDIO
RESPONSIVE • ACCOUNTABLE • RELIABLE • EXPERIENCED

July 24, 2023



ZONING MAP

SCALE: N.T.S.



2

The Niki Group, LLC

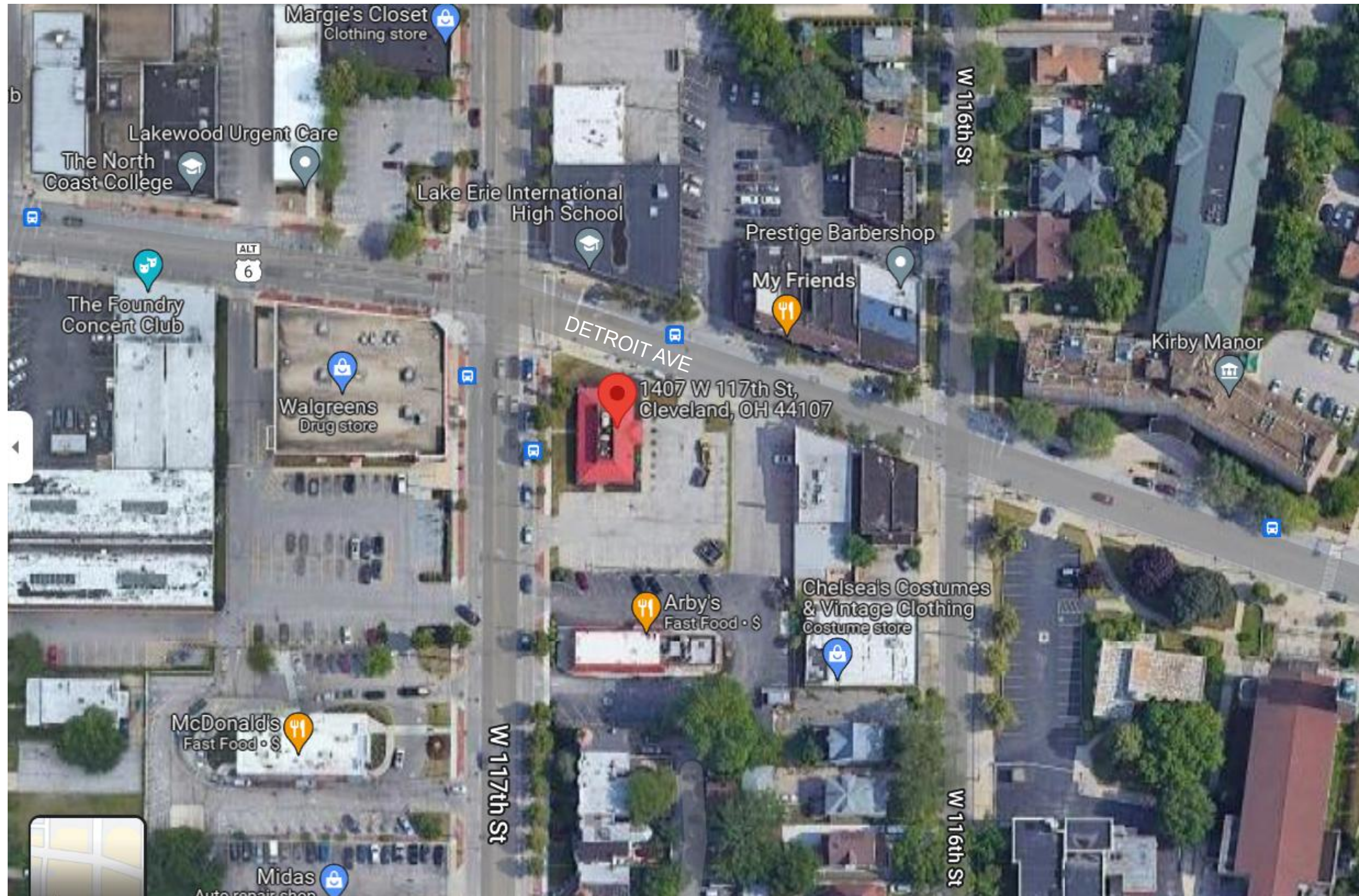
CONCEPTUAL/SCHEMATIC DESIGN
PROPOSED URGENT CARE CENTER

RARE DESIGN
STUDIO
RESPONSIVE • ACCOUNTABLE • RELIABLE • EXPERIENCED

RDS #2023001

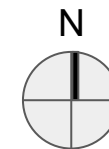
1407 WEST 117TH ST. CLEVELAND, OHIO 44102

July 24, 2023



LOCATION MAP

SCALE: N.T.S.



3

The Niki Group, LLC

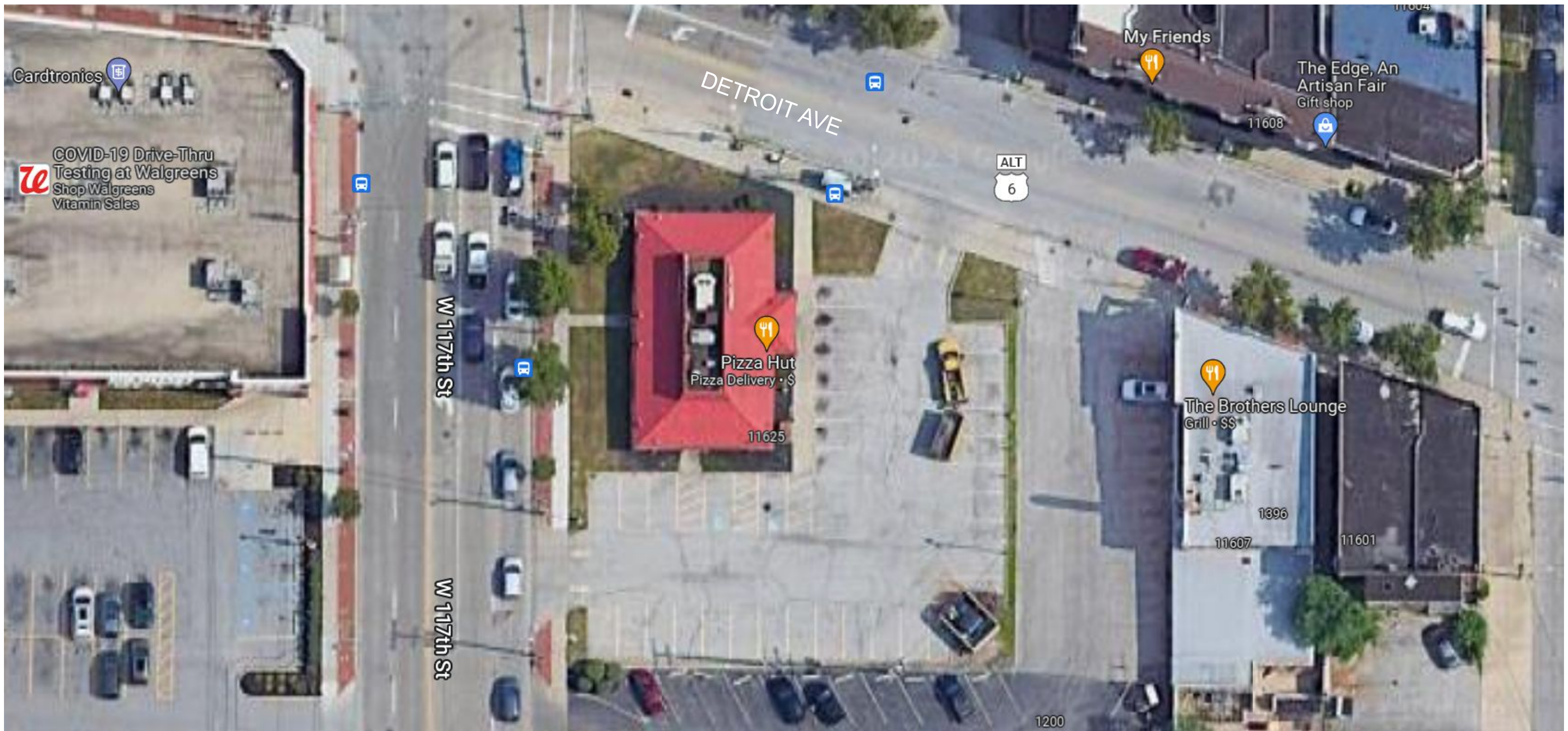
CONCEPTUAL/SCHEMATIC DESIGN
PROPOSED URGENT CARE CENTER

RARE DESIGN
STUDIO
RESPONSIVE • ACCOUNTABLE • RELIABLE • EXPERIENCED

RDS #2023001

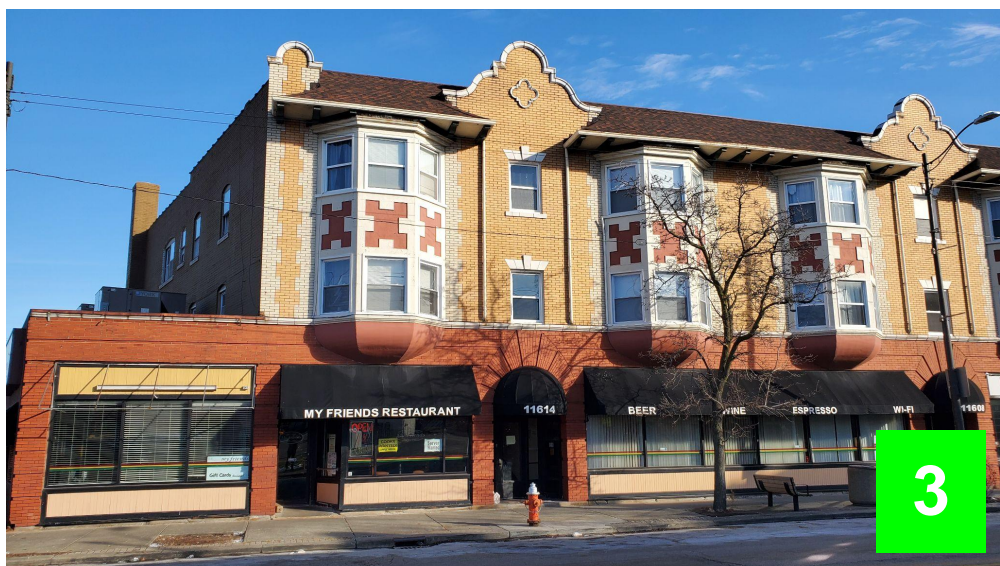
1407 WEST 117TH ST. CLEVELAND, OHIO 44102

July 24, 2023



EXISTING SITE MAP
SCALE: N.T.S.





EXISTING CONDITIONS PHOTOS

5

The Niki Group, LLC

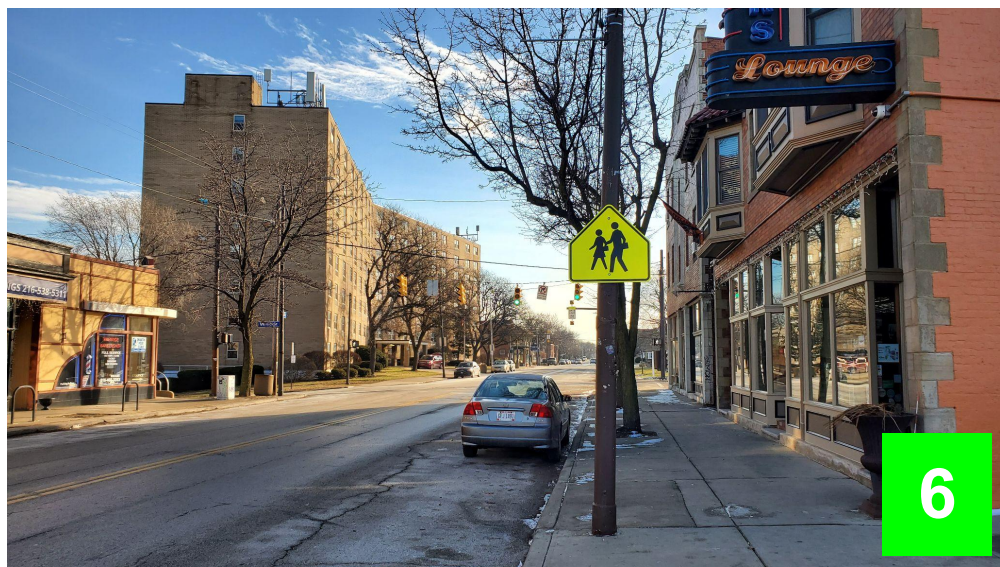
CONCEPTUAL/SCHEMATIC DESIGN
PROPOSED URGENT CARE CENTER

RARE DESIGN
STUDIO
RESPONSIVE • ACCOUNTABLE • RELIABLE • EXPERIENCED

RDS #2023001

1407 WEST 117TH ST. CLEVELAND, OHIO 44102

July 24, 2023



EXISTING CONDITIONS PHOTOS

6

The Niki Group, LLC

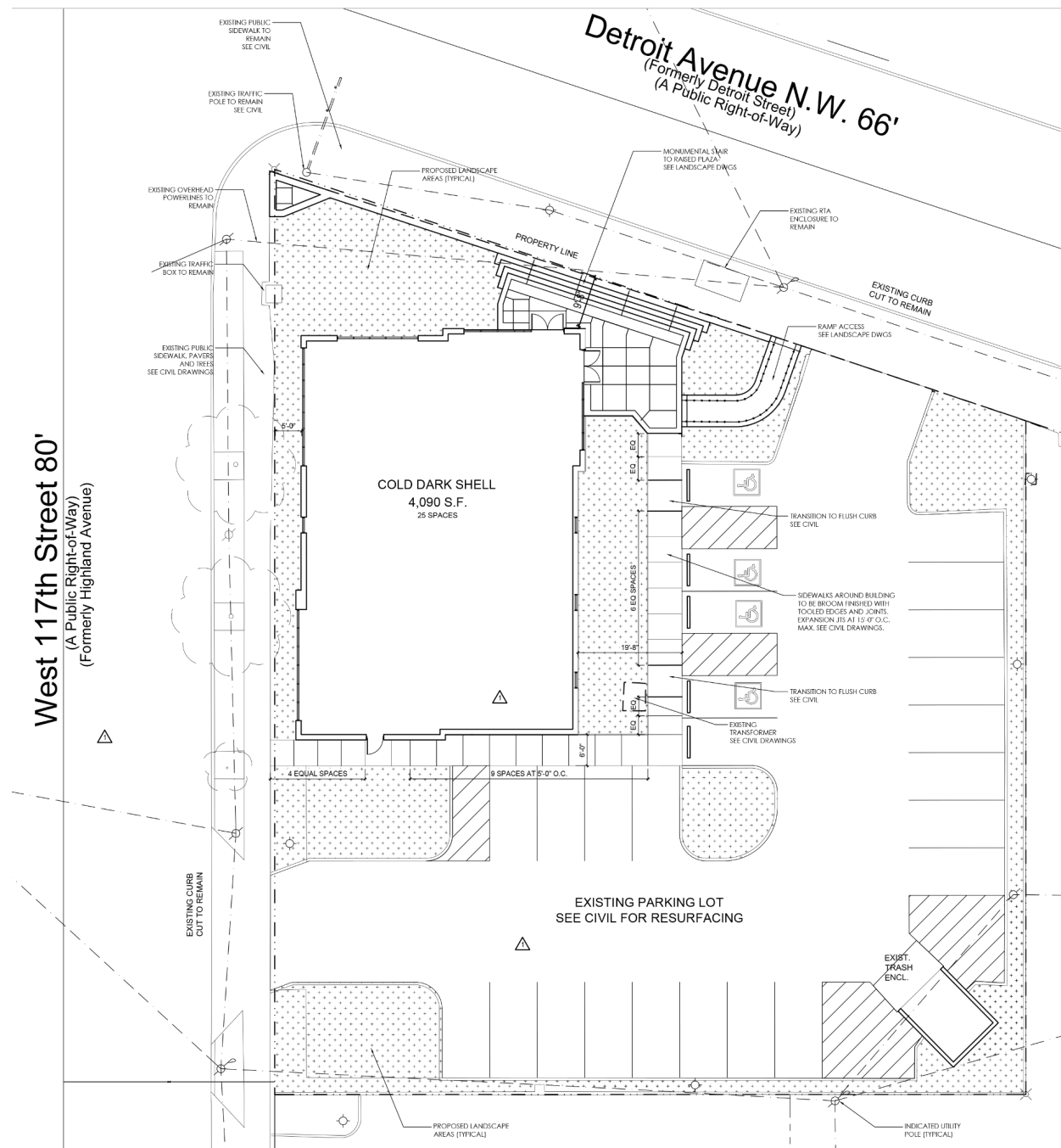
CONCEPTUAL/SCHEMATIC DESIGN
PROPOSED URGENT CARE CENTER

RARE DESIGN
STUDIO
RESPONSIVE • ACCOUNTABLE • RELIABLE • EXPERIENCED

RDS #2023001

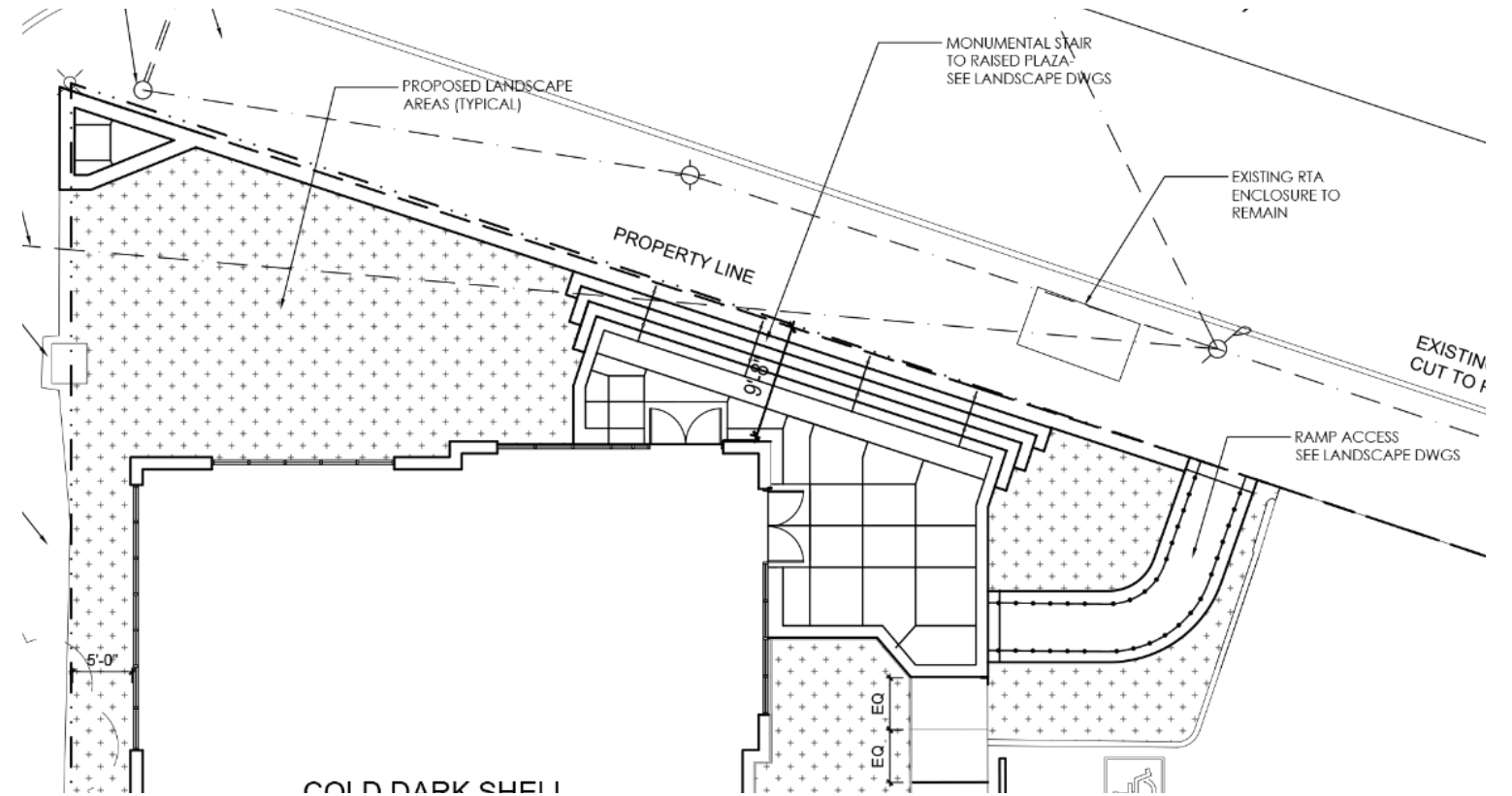
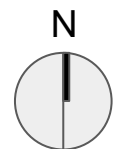
1407 WEST 117TH ST. CLEVELAND, OHIO 44102

July 24, 2023



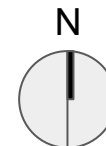
PROPOSED SITE PLAN

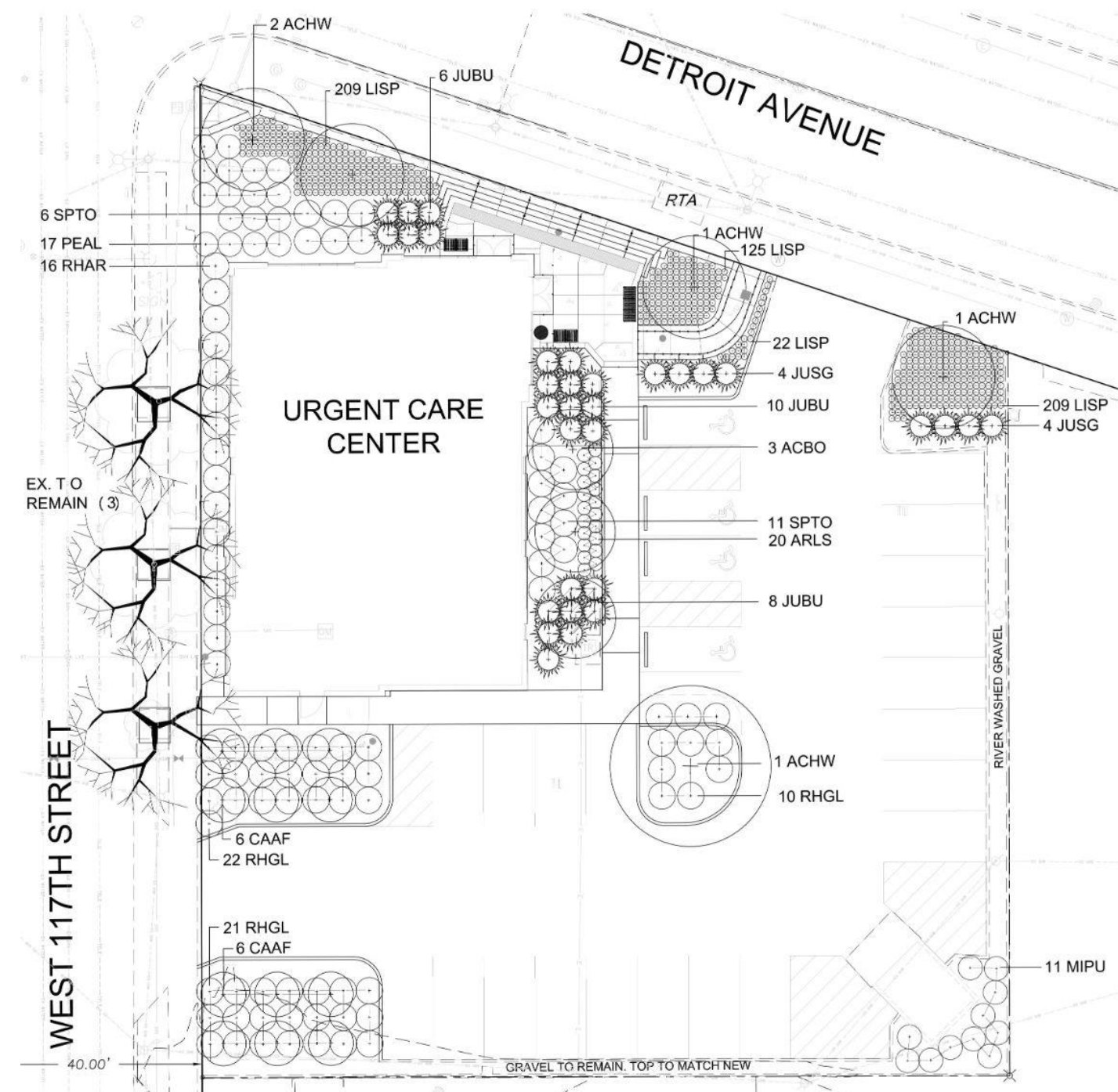
SCALE: 1"=30'



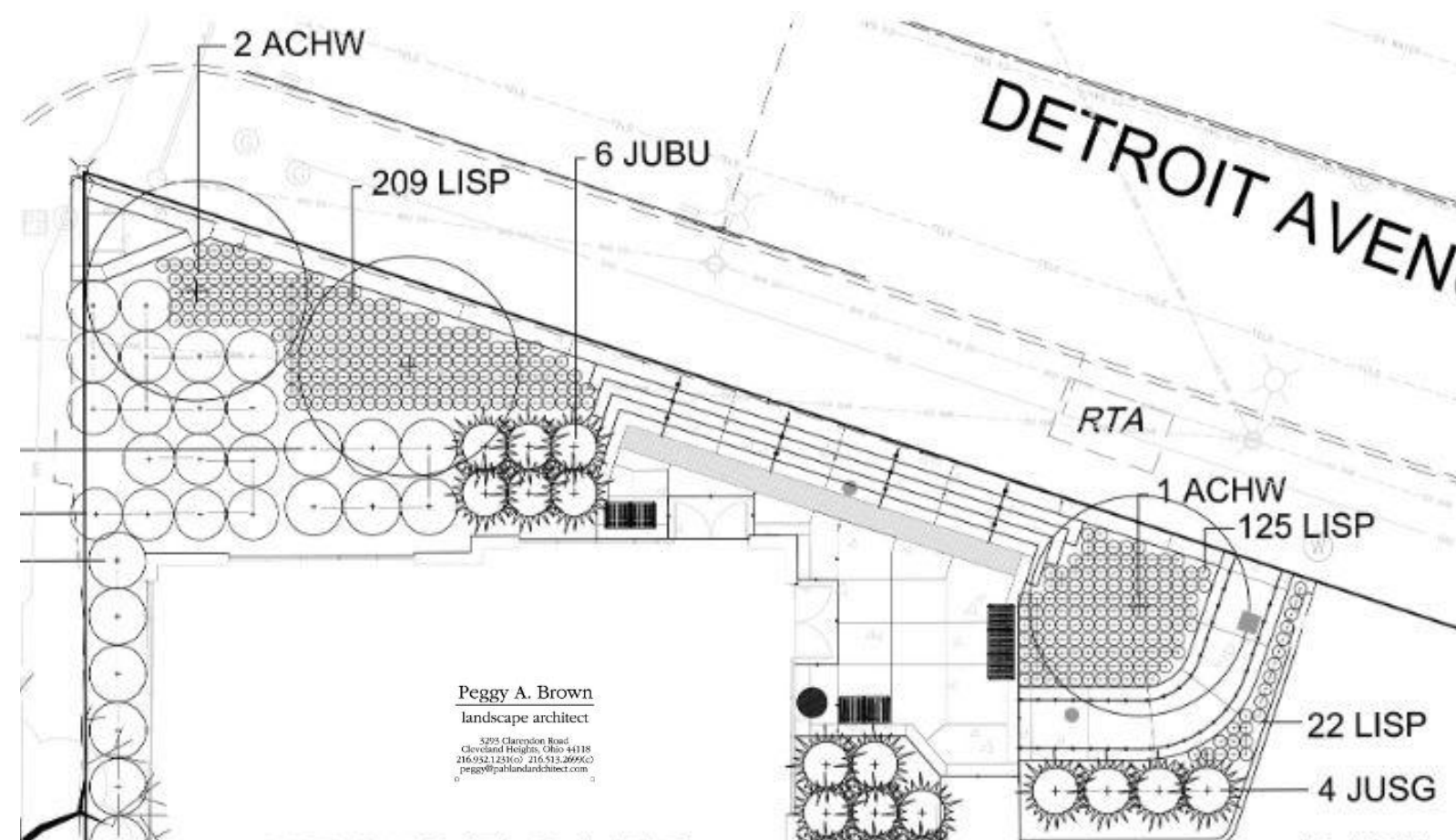
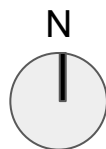
ENLARGED SITE PLAN

SCALE: NTS



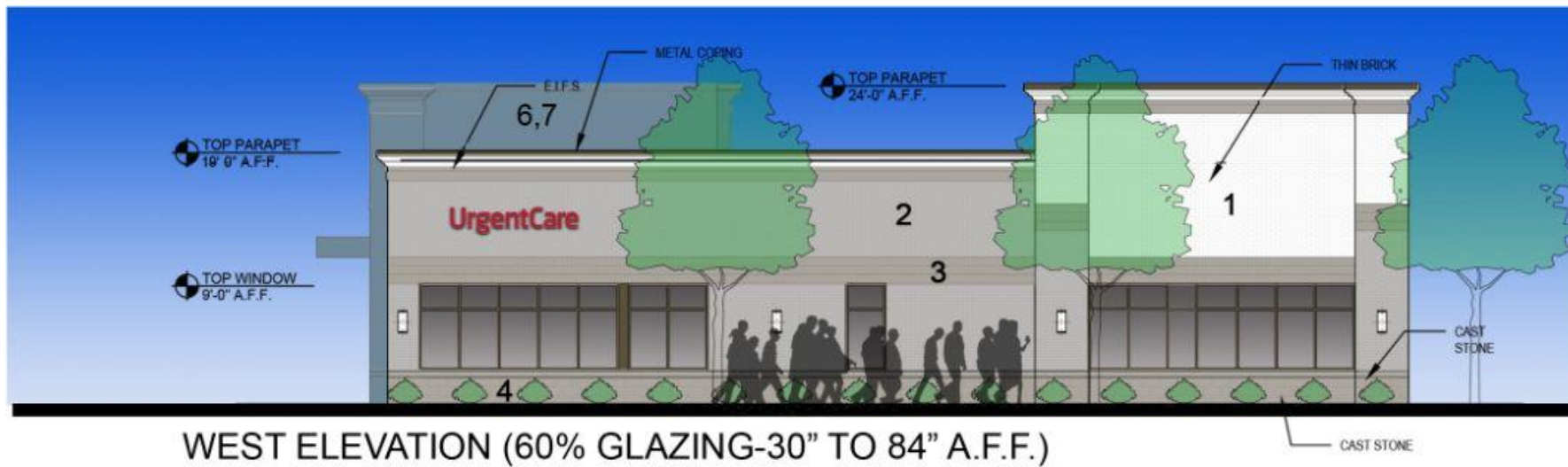
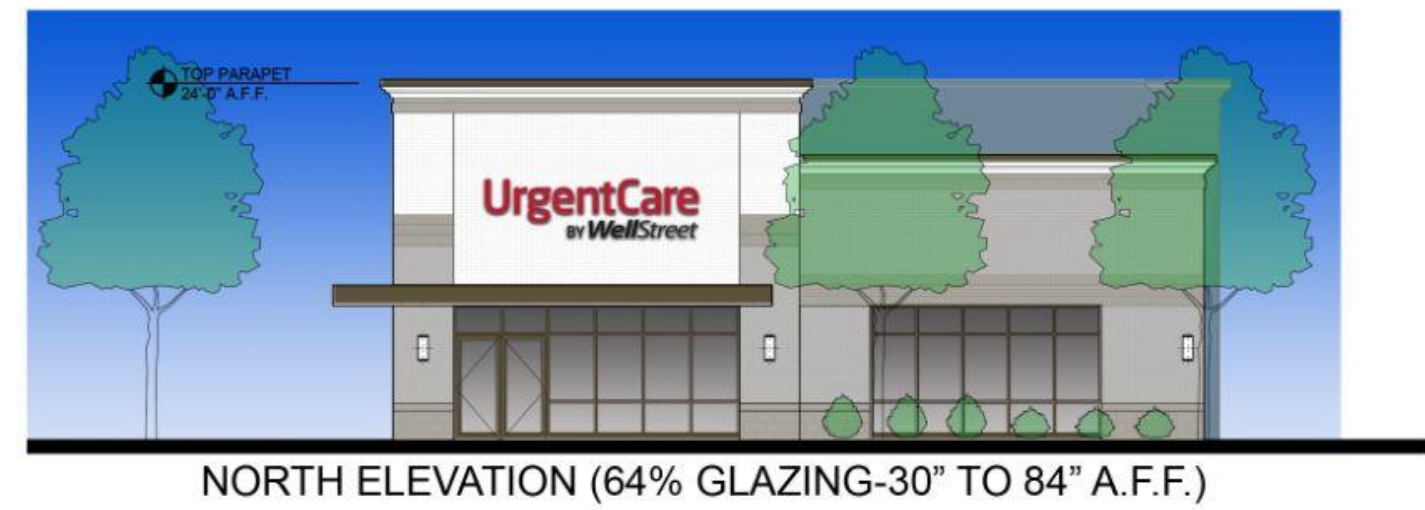
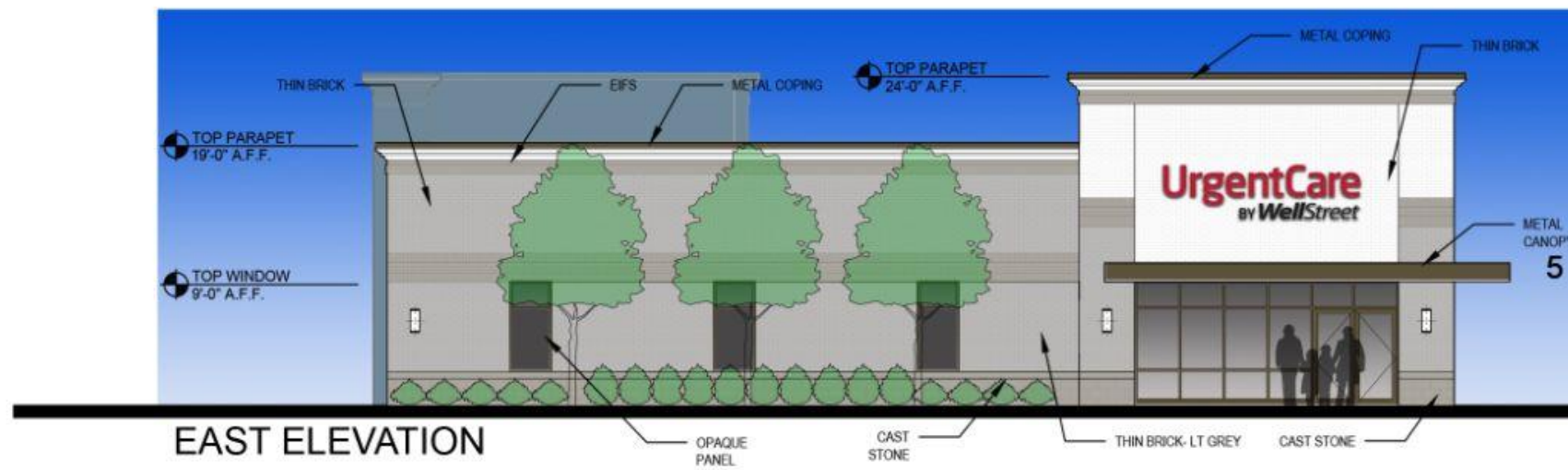


PROPOSED LANDSCAPE PLAN



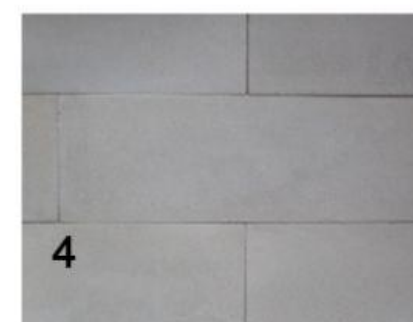
ENLARGED LANDSCAPE PLAN





MATERIAL PALLETTE:

- 1 WHITE BRICK: BELDEN BRICK: ALASKAN WHITE
- 2 LIGHT BRICK: BELDEN BRICK SMOKEY GREY
- 3 DARK BRICK: METRO 505
- 4 CAST STONE: CUSTOM CAST STONE: SLATE
- 5 STOREFRONT, COPING, CANOPY: MEDIUM BRONZE
- 6 E.I.F.S.: 158 STO LIMESTONE 9433 STO WHITE
- 7 E.I.F.S.: DORIAN GRAY SW 7017



TYPICAL LIGHT
FIXTURE



AUTUMN FIRE AMERICAN HORNBEAM BOWHALL RED MAPLE JAPANESE ZELKOVA



LOW SCAPE MOUND BLACK CHOKEBERRY FRAGRANT SUMAC GRO-LOW FRAGRANT SUMAC FRAGRANT SUMAC FALL COLOR



TOR SPIRAEA TOR SPIRAEA FALL COLOR SEA GREEN JUNIPER



BUFFALO JUNIPER FOUNTAIN GRASS CREEPING LIRIOPE



FLAME GRASS

SITE PLANT LIST

SYMBOL	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE	REMARK	NATIVE AND/OR ADAPTIVE
DECIDUOUS TREES						
ACBO	3	ACER RUBRUM 'BOWHALL'	BOWHALL RED MAPLE	2" C	B&B; MATCHING	Y
CAAF	12	CARPINUS CAROLIANA 'AUTUMN FIRE'	AUTUMN FIRE AMERICAN HORNBEAM	1.75" C	B&B; MATCHING	Y
ZESE	5	ZELKOVA SERRATA	JAPANESE ZELKOVA	2.5" C	B&B	Y
SHRUBS						
ARLS	20	ARONIA MELANOCARPA 'LOW SCAPE MOUND'	LOW SCAPE MOUND BLACK CHOKEBERRY	15"	CONT	Y
JUSG	9	JUNIPERUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	24"	CONT	Y
JUBU	22	JUNIPERUS SABINA 'BUFFALO'	BUFFALO JUNIPER	18"	CONT	Y
RHAR	18	RHUS AROMATICA	FRAGRANT SUMAC	24"	CONT	Y
RHGL	50	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC	12"	CONT	Y
SPTO	17	SPIRAEA BETULIFOLIA 'TOR'	TOR SPIRAEA	24"	CONT	Y
GRASSES AND PERENNIALS						
LISP	662	LIRIOPE SPICCATA	CREEPING LIRIOPE	NO. 1	CONT	Y
MIPU	11	MISCANTHUS SINENSIS 'PURPURESCENS'	FLAME GRASS	NO. 2	CONT	Y
PEAL	17	PENNISETUM ALOPECUROIDES	FOUNTAIN GRASS	NO. 2	CONT	Y



ARCATA BENCH BY LANDSCAPE FORMS



POE LITTER RECEPTACLE BY LANDSCAPE FORMS

COLOR: SILVER

PROPOSED PLANT LIST

Public Hearing

Calendar No. 23-082:

15432 St. Clair Ave.

Ward 8



Demetrius Davis proposes to pave rear section of property and use for storage of equipment for grass cutting, snow plow and concrete company in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

- 1. Section 345.03 which states storage is first permitted in the Semi-Industry District; actual location is in Local Retail Business District. TESTIMONY TAKEN. POSTPONED FROM JUNE 12 TO ALLOW TIME FOR THE APPALLENT TO SPEAK WITH THE COUNCILMAN AND THE CITY PLANNER TO CONSIDER SITE PLAN IMPROVEMENTS.



Public Hearing

Calendar No. 23-082:

15432 St. Clair Ave.

Ward 8



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

Calendar No. 23-082: 15432 St. Clair Ave.

Madam Chair, Members of the Board, Appellant is requesting a use variance from the requirements of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.



CITY OF CLEVELAND
Office of the Council

Support

www.clevelandcitycouncil.org

Michael D. Polensek COUNCIL MEMBER, WARD 8

COMMITTEES: Safety - Chair • Finance, Diversity, Equity & Inclusion • Utilities • Rules

July 7, 2023

Ms. Elizabeth Kukla
Secretary, Board of Zoning Appeals
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Ms. Kukla and Board of Zoning Appeals:

As Councilman representing Cleveland's 8th Ward, I am writing this letter to the Board of Zoning Appeals pertaining to Calendar No. 23-082, for Monday, July 24, 2023 for the property located at **15432 St Clair Avenue and Appellant Mr.**

Demetrius Davis. Mr. Davis is appealing the Codified Ordinance Section 345.03 which prohibits the storage of equipment (ie for your grass cutting, plowing and concrete company) in a C2 local retail business district. This is a second hearing date postponed from June 12, 2023.

Since his original hearing date, postponed to allow the appellant time to speak with the Ward 8 City Planner and myself, I have indeed spoken to Mr. Davis. In fact, I met with Mr. Davis on the property of 15432 St Clair Avenue to discuss his plans in detail. I AM IN SUPPORT OF HIS PLANS. However, as I told Mr. Davis, he **MUST adhere to the City code and granted variances to the letter and that what is agreed upon by BZA must be enforced by the Department of Building & Housing of the City on behalf of the community.**

This property at present is in disrepair. I have discussed this in the past with Mr. Davis. I have said in the past that there was high grass and weeds all over the property and the storage of the equipment, already on the property in the rear, made it look like a junk yard. THIS CANNOT CONTINUE. The property, in general, is a source of continuous complaints into my office from residents of Evangeline Road.

If Mr. Davis allows the property to go back to looking like a junk yard and does not adhere to the statutes of this variance and /or any other ordinance referring to the property, its appearance and /or its operation, I WILL, ONCE AGAIN, REQUEST THAT THE CITY CITE MR. DAVIS FOR THE VIOLATIONS AND FOR BEING OUT OF COMPLIANCE WITH THE GRANTING OF THIS VARIANCE.

I indicated to him that the concrete planter box in front must also be maintained at all times. The rear parking lot must be maintained free of junk and debris and that a screening fence along Evangeline Road along the parking lot, must be erected with the proper permits and that an entrance gate be installed as well to secure the rear parking lot. In addition, there cannot be the parking of any vehicles on the sidewalks.

I am here to support small and struggling businesses in the Ward 8 community; however, they must be respectful to the community. *Therefore, I am willing to support a variance to this appeal of the codified ordinances to allow for paving a section of the rear of the property for the continued use of the storage of equipment in this Local Retail Business District at this time.*

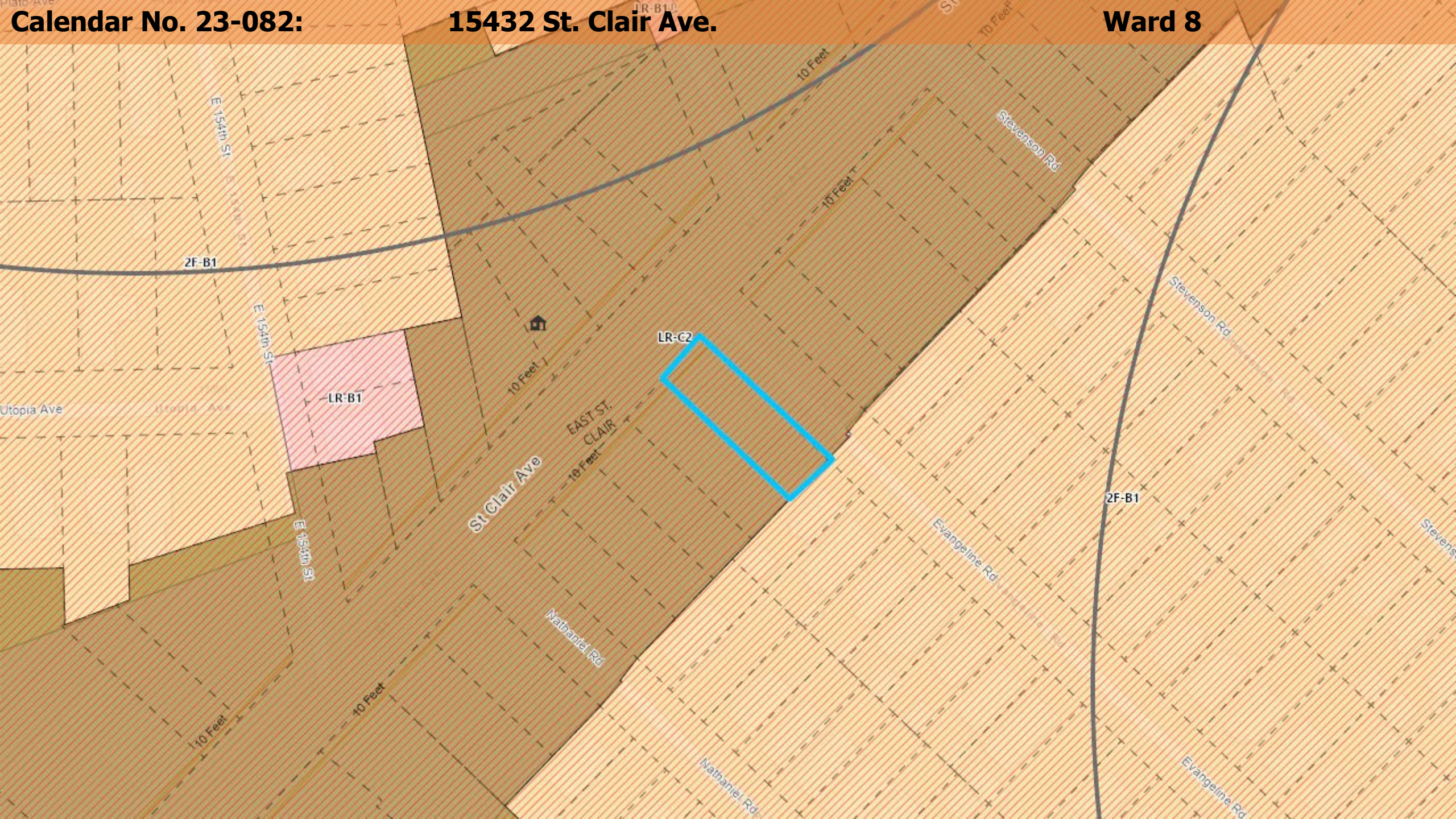
If you have any questions or comments, please feel free to contact me. I may be reached at the office at (216) 664-4236 or via email at mpolensek@clevelandcitycouncil.org.

Sincerely,

Michael D. Polensek

Michael D. Polensek
Councilman, Ward 8

CC: Ms. Elizabeth Kukla, Secretary, Board of Zoning Appeals
Ms. Sally Martin O'Toole, Director, Dept. Building & Housing



Calendar No. 23-082:

15432 St. Clair Ave.

Ward 8



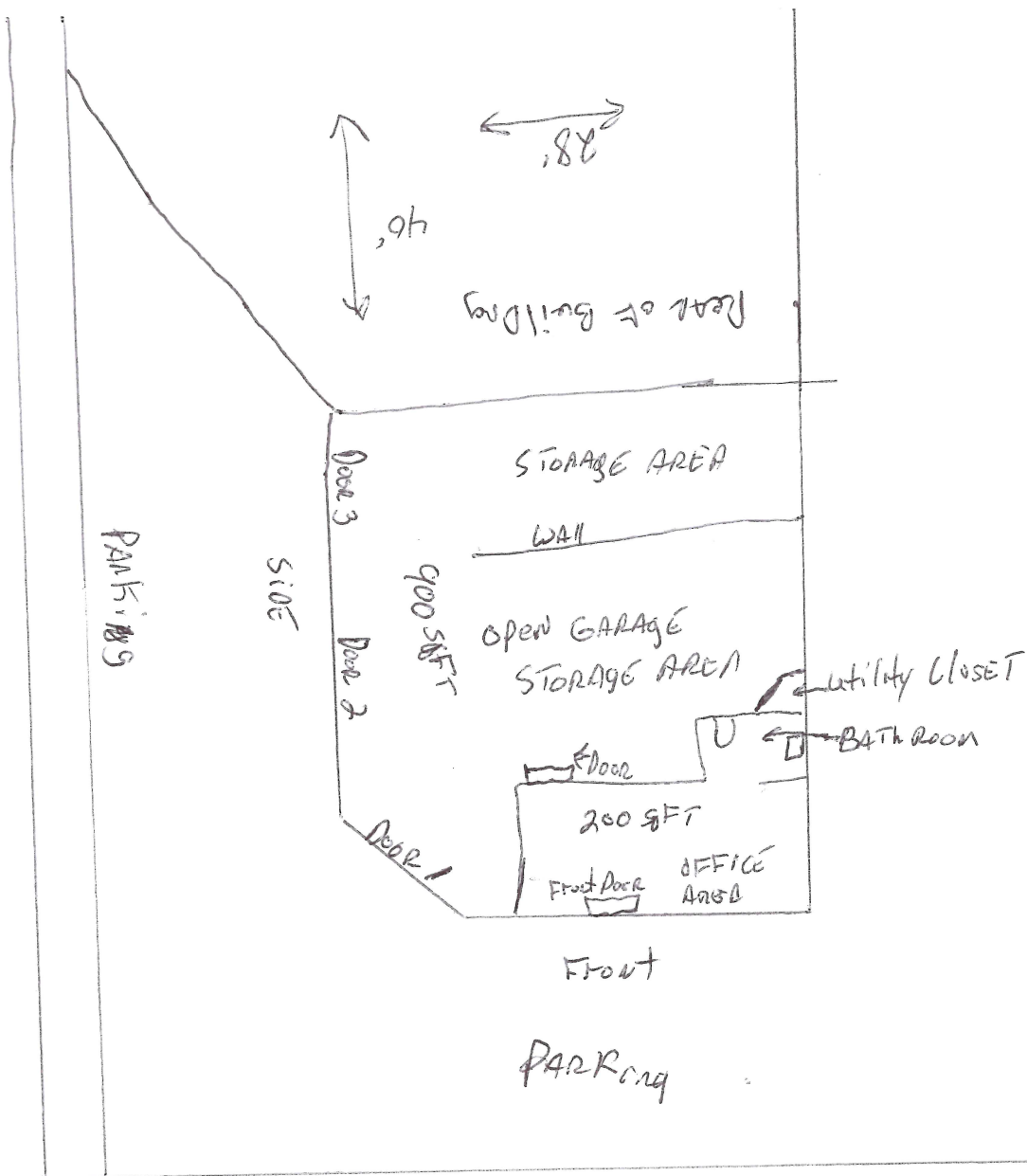
Evangeline Road

East 155th Street

Saint Clair Avenue (CR 9)

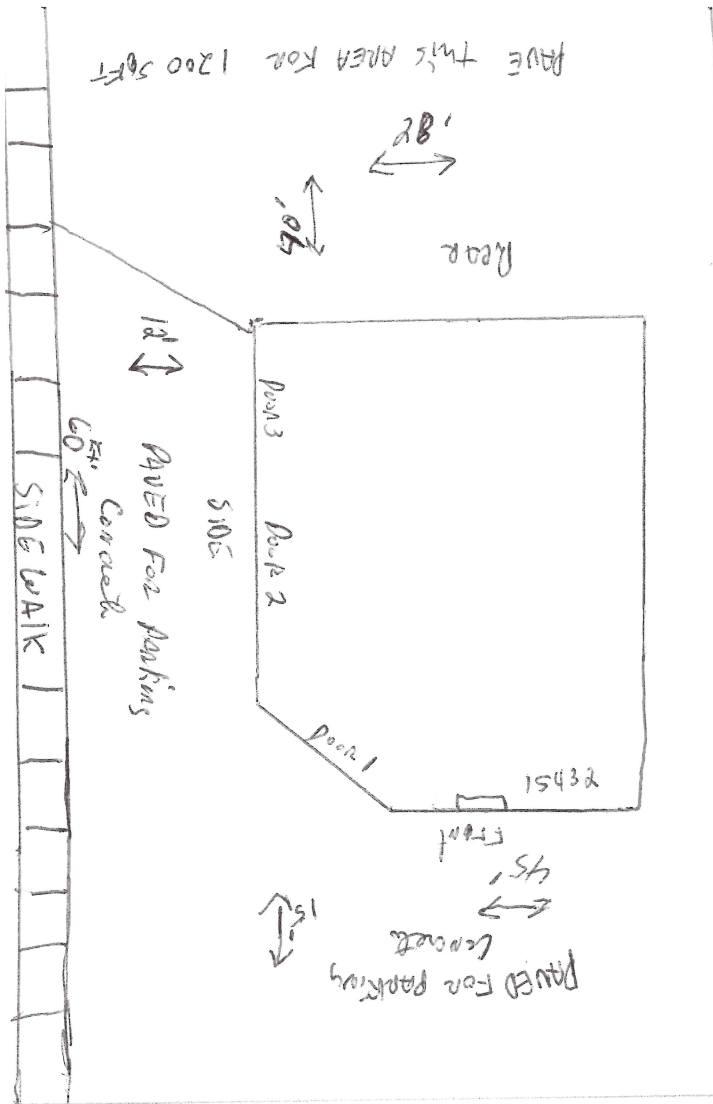






ST. CLAIR AVE

Interior site plan



ST. CLAIR AVE

exterior site plan

Cleveland Board of Zoning Appeals

Old Business





BOARD OF ZONING APPEALS OLD BUSINESS JULY 24, 2023

1. Cal. No. 23-108:	6100 Truscon Ave	(AF, PR, AW)
2. Cal. No. 23-111:	10831 Magnolia Dr.	(AF, PR, AW)
3. Cal. No. 23-080:	566 East 103 St.	(AF, PR, AW)
4. Cal. No. 23-071:	3763 West 136 St.	(AF, PR, AW)
5. Cal. No. 23-091:	15707 Eldamere Ave.	(AF,NH,PR)
6. Cal. No. 23-104:	3119 Train Ave.	(AF,NH,PR)
7. Cal. No. 23-109:	1985 W. 28 th St.	(AF,NH,PR,)
8. Cal. No. 23-058:	2923 East 125 St.	(AF, NH, PR)
9. Cal. No. 23-078:	4689 Lee Road	(AF, PR, TB, NH)~
10. Cal. No. 23-119:	4200 Rocky River	(AF, PR, AW)*
11. Cal. No. 22-232:	12503 Kinsman Ave.	(KB, TB, AF, NH)*
12. Cal. No. 22-208:	2458 Tremont Ave.	(KB,TB,AF,NH, PR)
13. Cal. No. 22-018:	4420 East 156 St.	(KB,TB,AF,MB)* REMINDER SENT
14. Cal. No. 21-203:	8502 Hough Ave.	(KB,TB,AF,MB)* PENDING LAND BANK

AFFIRMATION: None.

REHEARING REQUEST: NONE.

MISC: None

- ~ Items received
- * Pending the receipt of requested information by the Board.
- *** Request for Rehearing/Reconsideration.

Cleveland Board of Zoning Appeals

Adjournment

